

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 1107

AN ACT

2 To repeal sections 87.207, 99.847, 190.044,  
3 190.050, 190.092, 190.094, 190.100, 190.101,  
4 190.105, 190.108, 190.109, 190.120, 190.131,  
5 190.133, 190.142, 190.143, 190.160, 190.165,  
6 190.171, 190.175, 190.185, 190.196, 321.130,  
7 and 334.735, RSMo, and to enact in lieu  
8 thereof fifty-three new sections relating to  
9 emergency services, with penalty provisions.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
11 AS FOLLOWS:

12 Section A. Sections 87.207, 99.847, 190.044, 190.050,  
13 190.092, 190.094, 190.100, 190.101, 190.105, 190.108, 190.109,  
14 190.120, 190.131, 190.133, 190.142, 190.143, 190.160, 190.165,  
15 190.171, 190.175, 190.185, 190.196, 321.130, and 334.735, RSMo,  
16 are repealed and fifty-three new sections enacted in lieu  
17 thereof, to be known as sections 87.177, 87.207, 87.231, 87.238,  
18 99.847, 190.050, 190.051, 190.053, 190.054, 190.092, 190.094,

1 190.100, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131,  
2 190.133, 190.142, 190.143, 190.145, 190.160, 190.165, 190.171,  
3 190.172, 190.175, 190.185, 190.196, 190.248, 190.525, 190.528,  
4 190.531, 190.534, 190.537, 191.630, 191.631, 198.199, 320.350,  
5 321.130, 321.552, 321.554, 321.556, 334.735, 650.390, 650.393,  
6 650.396, 650.399, 650.402, 650.405, 650.408, 650.411, and 1, to  
7 read as follows:

8 87.177. 1. Any firefighter who terminates employment with  
9 five or more years of service but less than twenty years may  
10 apply at age sixty-two for a service retirement allowance. Upon  
11 written application to the board of trustees the benefit payable  
12 shall be equal to two percent times years of service times the  
13 average final compensation, and the member shall also be repaid  
14 the total amount of the member's contribution, without interest.

15 2. The benefits provided in subsection 1 of this section  
16 shall be in lieu of any benefits payable pursuant to the  
17 provisions of section 87.240.

18 3. Any survivor of a firefighter retiring pursuant to the  
19 provisions of subsection 1 of this section shall be entitled to  
20 fifty percent of the retirement allowance of the retired member  
21 at his or her date of death.

22 4. Any surviving spouse of a firefighter who had five or  
23 more years of service but less than twenty years and who dies  
24 prior to application for retirement benefits payable pursuant to

1 this section shall be entitled to fifty percent of the retirement  
2 allowance of the member at his or her date of death payable at  
3 the date the member would have reached age sixty-two, or to the  
4 immediate refund of the member's contribution plus interest. If  
5 no surviving spouse exists, a benefit shall be payable pursuant  
6 to subdivisions (2) and (3) of subsection 1 of section 87.220, or  
7 by the immediate refund of the member's contribution plus  
8 interest.

9 5. Any firefighter retiring pursuant to the provisions of  
10 this section shall be entitled to receive a cost-of-living  
11 allowance of five percent per year for a maximum of five years.

12 87.207. The following allowances due under the provisions  
13 of sections 87.120 to [87.370] 87.371 of any member who retired  
14 from service shall be increased annually, as approved by the  
15 board of trustees beginning with the first increase in the  
16 October following his or her retirement and subsequent increases  
17 in each October thereafter, at the rates designated:

18 (1) With a retirement service allowance or ordinary  
19 disability allowance

20 (a) One and one-half percent per year, compounded each  
21 year, up to age sixty for those retiring with twenty to  
22 twenty-four years of service,

23 (b) Two and one-fourth percent per year, compounded each  
24 year, up to age sixty for those retiring with twenty-five to  
25 twenty-nine years of service,

1           (c) Three percent per year, compounded each year, up to age  
2 sixty for those retiring with thirty or more years of service,

3           (d) After age sixty, five percent per year for five years  
4 [or until a total maximum increase of twenty-five percent is  
5 reached];

6           (2) With an accidental disability allowance, three percent  
7 per year, compounded each year, up to age sixty, then five  
8 percent per year for five years [or until a total maximum  
9 increase of twenty-five percent is reached].

10 [Each increase, however, is subject to a determination by the  
11 board of trustees that the consumer price index (United States  
12 Average Index) as published by the United States Department of  
13 Labor shows an increase of not less than the approved rate during  
14 the latest twelve-month period for which the index is available  
15 at date of determination. If the increase is in excess of the  
16 approved rate for any year, the excess shall be accumulated as to  
17 any retired member and increases may be granted in subsequent  
18 years subject to the maximum allowed for each full year from  
19 October following his retirement but not to exceed a total  
20 increase of twenty-five percent. If the board of trustees  
21 determines that the index has decreased for any year, the  
22 benefits of any retired member that have been increased shall be  
23 decreased but not below his initial benefit. No annual increase  
24 shall be made of less than one percent and no decrease of less  
25 than three percent except that any decrease shall be limited by

1 the initial benefit.]

2 87.231. 1. In lieu of any benefits payable pursuant to  
3 section 87.230, any surviving spouse who is receiving retirement  
4 benefits, upon application to the board of trustees of the  
5 retirement system, shall be made, constituted, appointed and  
6 employed by the board as a special consultant on the problems of  
7 retirement, aging, and other state matters, for the remainder of  
8 his or her life, and upon request of the board, give opinions,  
9 and be available to give opinions in writing, or orally, in  
10 response to such request, as may be required, and for such  
11 services shall be compensated monthly, in an amount, which, when  
12 added to any monthly retirement benefits being received, shall  
13 not exceed fifty percent of the deceased member's average final  
14 compensation or five hundred twenty-five dollars, whichever is  
15 greater.

16 2. This compensation shall be consolidated with any other  
17 retirement benefits payable to such surviving spouse, and shall  
18 be paid in the manner and from the same fund as his or her other  
19 retirement benefits under this chapter, and shall be treated in  
20 all aspects under the laws of this state as retirement benefits  
21 paid pursuant to this chapter.

22 3. The employment provided for by this section shall in no  
23 way affect any person's eligibility for retirement benefits under  
24 this chapter, or in any way have the effect of reducing

1 retirement benefits, anything to the contrary notwithstanding.

2 87.238. 1. In lieu of any benefit payable pursuant to  
3 section 87.237, any person who served as a firefighter and who is  
4 retired and receiving a retirement allowance of less than six  
5 hundred twenty-five dollars may act as a special advisor to the  
6 retirement system.

7 2. For the additional service as a special advisor, each  
8 retired person shall receive, in addition to the retirement  
9 allowance provided pursuant to this chapter, an additional  
10 amount, which amount, together with the retirement allowance he  
11 or she is receiving pursuant to other provisions of this chapter,  
12 shall equal, but not exceed, six hundred twenty-five dollars.

13 Any retirement allowance paid to a retiree pursuant to this  
14 subsection shall be withdrawn from the firefighters' retirement  
15 and relief system fund and no moneys shall be withdrawn from the  
16 general revenue fund of any city not within a county.

17 99.847. Any district providing emergency services pursuant  
18 to chapter 190 or 321, RSMo, [upon the provision of evidence to  
19 the governing body of the municipality that direct costs incurred  
20 by such district in providing emergency services to the  
21 redevelopment area are directly attributable to the operation of  
22 redevelopment projects as these terms are defined in section  
23 99.805, in the redevelopment area,] shall be entitled to  
24 reimbursement from the special allocation fund [for direct costs

1 to the extent that such district can demonstrate that the  
2 increased tax revenues it receives from such projects in such  
3 areas are insufficient to fund such direct costs. However, such  
4 reimbursement shall not be less than twenty-five] in the amount  
5 of fifty percent nor more than one hundred percent of the  
6 district's tax increment.

7 190.050. 1. After the ambulance district has been declared  
8 organized, the declaring county commission, except in counties of  
9 the second class having more than one hundred five thousand  
10 inhabitants located adjacent to a county of the first class  
11 having a charter form of government which has a population of  
12 over nine hundred thousand inhabitants, shall divide the district  
13 into six election districts as equal in population as possible,  
14 and shall by lot number the districts from one to six inclusive.  
15 The county commission shall cause an election to be held in the  
16 ambulance district within ninety days after the order  
17 establishing the ambulance district to elect ambulance district  
18 directors. Each voter shall vote for one director from the  
19 ambulance election district in which the voter resides. The  
20 directors elected from districts one and four shall serve for a  
21 term of one year, the directors elected from districts two and  
22 five shall serve for a term of two years, and the directors from  
23 districts three and six shall serve for a term of three years;  
24 thereafter, the terms of all directors shall be three years. All

1 directors shall serve the term to which they were elected or  
2 appointed, and until their successors are elected and qualified,  
3 except in cases of resignation or disqualification. The county  
4 commission shall reapportion the ambulance districts within sixty  
5 days after the population of the county is reported to the  
6 governor for each decennial census of the United States.

7 Notwithstanding any other provision of law, if the number of  
8 candidates for the office of director is no greater than the  
9 number of directors to be elected, no election shall be held, and  
10 the candidates shall assume the responsibilities of their offices  
11 at the same time and in the same manner as if they have been  
12 elected.

13 2. In all counties of the second class having more than one  
14 hundred five thousand inhabitants located adjacent to a county of  
15 the first class having a charter form of government which has a  
16 population of over nine hundred thousand inhabitants, the voters  
17 shall vote for six directors elected at large from within the  
18 district for a term of three years. Those directors holding  
19 office in any district in such a county on August 13, 1976, shall  
20 continue to hold office until the expiration of their terms, and  
21 their successors shall be elected from the district at large for  
22 a term of three years. In any district formed in such counties  
23 after August 13, 1976, the governing body of the county shall  
24 cause an election to be held in that district within ninety days



1 after the order establishing the ambulance district to elect  
2 ambulance district directors. Each voter shall vote for six  
3 directors. The two candidates receiving the highest number of  
4 votes at such election shall be elected for a term of three  
5 years, the two candidates receiving the third and fourth highest  
6 number of votes shall be elected for a term of two years, the two  
7 candidates receiving the fifth and sixth highest number of votes  
8 shall be elected for a term of one year; thereafter, the term of  
9 all directors shall be three years.

10 3. A candidate for director of the ambulance district  
11 shall, at the time of filing, be a citizen of the United States,  
12 a qualified voter of the election district as provided in  
13 subsection 1 of this section, a resident of the [state for one  
14 year] district for two years next preceding the election, and  
15 shall be at least [twenty-one] twenty-four years of age. In an  
16 established district which is located within the jurisdiction of  
17 more than one election authority, the candidate shall file his or  
18 her declaration of candidacy with the secretary of the board. In  
19 all other districts, a candidate shall file [his] a declaration  
20 of candidacy with the county clerk of the county in which he or  
21 she resides. A candidate shall file a statement under oath that  
22 he or she possesses the required qualifications. No candidate's  
23 name shall be printed on any official ballot unless the candidate  
24 has filed a written declaration of candidacy pursuant to

1 subsection 5 of section 115.127, RSMo. If the time between the  
2 county commission's call for a special election and the date of  
3 the election is not sufficient to allow compliance with  
4 subsection 5 of section 115.127, RSMo, the county commission  
5 shall, at the time it calls the special election, set the closing  
6 date for filing declarations of candidacy.

7 190.051. 1. Notwithstanding the provisions of sections  
8 190.050 and 190.052 to the contrary, upon a motion by the board  
9 of directors in districts where there are six-member boards, and  
10 upon approval by the voters in the district, the number of  
11 directors may be increased to seven with one board member running  
12 district wide, or decreased to five or three board members. The  
13 ballot to be used for the approval of the voters to increase or  
14 decrease the number of members on the board of directors of the  
15 ambulance district shall be substantially in the following form:

16 Shall the number of members of the board of directors of the  
17 ..... (Insert name of district) Ambulance District be  
18 (increased to seven members/decreased to five members/decreased  
19 to three members)?

20 ☐ YES

☐ NO

21 2. If a majority of the voters voting on a proposition to  
22 increase the number of board members to seven vote in favor of  
23 the proposition, then at the next election of board members after  
24 the voters vote to increase the number of directors, the voters

1 shall select one person to serve in addition to the existing six  
2 directors as the member who shall run district wide.

3 3. If a majority of the voters voting on a proposition to  
4 decrease the number of board members vote in favor of the  
5 proposition, then the county clerk shall redraw the district into  
6 the resulting number of subdistricts with equal population bases  
7 and hold elections by subdistricts pursuant to section 190.050.  
8 Thereafter, members of the board shall be elected to serve terms  
9 of three years and until their successors are duly elected and  
10 qualified.

11 4. Members of the board of directors in office on the date  
12 of an election pursuant to this section to increase or decrease  
13 the number of members of the board of directors shall serve the  
14 term to which they were elected or appointed and until their  
15 successors are elected and qualified.

16 190.053. 1. Each member of an ambulance district board  
17 shall be subject to recall from office by the registered voters  
18 of the subdistrict from which he or she was elected. Proceedings  
19 may be commenced for the recall of any ambulance district board  
20 member by the filing of a notice of intention to circulate a  
21 recall petition pursuant to this section and section 190.054.

22 2. Proceedings may not be commenced against any member if,  
23 at the time of commencement, that member:

24 (1) Has not held office during his or her current term for

1 a period of more than one hundred eighty days; or

2 (2) Has one hundred eighty days or less remaining in his or  
3 her term; or

4 (3) Has had a recall election determined in his or her  
5 favor within the current term of office.

6 3. The notice of intention to circulate a recall petition  
7 shall be served personally, or by certified mail, on the board  
8 member sought to be recalled. A copy thereof shall be filed,  
9 along with an affidavit of the time and manner of service, with  
10 the election authority, as defined in chapter 115, RSMo. A  
11 separate notice shall be filed for each board member sought to be  
12 recalled and shall contain all of the following:

13 (1) The name of the board member sought to be recalled;

14 (2) A statement, not exceeding two hundred words in length,  
15 of the reasons for the proposed recall; and

16 (3) The names and business or residence addresses of at  
17 least one and not more than five proponents of the recall.

18 4. Within seven days after the filing of the notice of  
19 intention, the board member may file with the election authority  
20 a statement, not exceeding two hundred words in length, in answer  
21 to the statement of the proponents. If an answer is filed, the  
22 board member shall also serve a copy of it, personally or by  
23 certified mail, on one of the proponents named in the notice of  
24 intention. The statement and answer are intended solely for the

1 information of the voters. No insufficiency in form or substance  
2 of such statements shall affect the validity of the election  
3 proceedings.

4 5. Before any signature may be affixed to a recall  
5 petition, the petition must bear all of the following:

6 (1) A request that an election be called to elect a  
7 successor to the board member;

8 (2) A copy of the notice of intention, including the  
9 statement of grounds for recall;

10 (3) The answer of the board member sought to be recalled,  
11 if any. If the board member has not answered, the petition shall  
12 so state; and

13 (4) A place for each signer to affix his or her signature,  
14 printed name and residence address, including city or  
15 unincorporated community.

16 6. Each section of the petition, when submitted to the  
17 election authority, shall have attached to it an affidavit signed  
18 by the circulation of that section, setting forth all of the  
19 following:

20 (1) The printed name of the affiant;

21 (2) The residence address of the affiant;

22 (3) That the affiant circulated that section and saw the  
23 appended signatures be written;

24 (4) That according to the best information and belief of

1 the affiant, each signature is the genuine signature of the  
2 person whose name it purports to be;

3 (5) That the affiant is a registered voter of the  
4 subdistrict of the board member sought to be recalled; and

5 (6) The dates between which all the signatures to the  
6 petition were obtained.

7 7. A recall petition shall be filed with the election  
8 authority not more than one hundred eighty days after the filing  
9 of the notice of intention.

10 8. The number of qualified signatures required in order to  
11 recall a board member shall be equal in number to at least  
12 twenty-five percent of the number of voters who voted in the most  
13 recent gubernatorial election in that subdistrict.

14 9. Within twenty days from the filing of the recall  
15 petition the election authority shall determine whether or not  
16 the petition was signed by the required number of qualified  
17 signatures. The election authority shall file with the petition  
18 a certificate showing the results of the examination. The  
19 authority shall give the proponents a copy of the certificate  
20 upon their request.

21 10. If the election authority certifies the petition to be  
22 insufficient, it may be supplemented within ten days of the date  
23 of certificate by filing additional petition sections containing  
24 all of the information required by this section. Within ten days

1 after the supplemental copies are filed, the election authority  
2 shall file with it a certificate stating whether or not the  
3 petition as supplemented is sufficient.

4 11. If the certificate shows that the petition as  
5 supplemented is insufficient, no action shall be taken on it;  
6 however, the petition shall remain on file.

7 190.054. 1. If the election authority finds the signatures  
8 on the petition described in section 190.053, together with the  
9 supplementary petition sections, if any, to be sufficient, it  
10 shall submit its certificate as to the sufficiency of the  
11 petition to the ambulance district board prior to its next  
12 meeting. The certificate shall contain:

13 (1) The name of the member whose recall is sought;

14 (2) The number of signatures required by law;

15 (3) The total number of signatures on the petition; and

16 (4) The number of valid signatures on the petition.

17 2. Following the ambulance district board's receipt of the  
18 certificate, the election authority shall order an election to be  
19 held on one of the election days specified in section 115.123,  
20 RSMo. The election shall be held not less than forty-five days  
21 nor more than one hundred twenty days after the ambulance  
22 district board receives the petition. Nominations pursuant to  
23 this section shall be made by filing a statement of candidacy  
24 with the election authority.

1       3. At any time prior to forty-two days before the election,  
2       the member sought to be recalled may offer his or her  
3       resignation. If his or her resignation is offered, the recall  
4       question shall be removed from the ballot and the office declared  
5       vacant. The member who resigned may not fill the vacancy, which  
6       shall be filled as provided by law.

7       4. The provisions of chapter 115, RSMo, governing the  
8       conduct of elections shall apply, where appropriate, to recall  
9       elections held pursuant to this section. The costs of the  
10       election shall be paid as provided in chapter 115, RSMo.

11       190.092. 1. [For purposes of this section, "first  
12       responder" shall be defined as a person who has successfully  
13       completed an emergency first response course meeting or exceeding  
14       the national curriculum of the United States Department of  
15       Transportation and any modifications to such curricula specified  
16       by the department through rules adopted pursuant to sections  
17       190.001 to 190.180 and who provides emergency medical care  
18       through employment by, or in association with, an emergency  
19       medical response agency. Any rule or portion of a rule, as that  
20       term is defined in section 536.010, RSMo, that is promulgated  
21       under the authority of this chapter, shall become effective only  
22       if the agency has fully complied with all of the requirements of  
23       chapter 536, RSMo, including but not limited to, section 536.028,  
24       RSMo, if applicable, after August 28, 1998. All rulemaking



1 authority delegated prior to August 28, 1998, is of no force and  
2 effect and repealed as of August 28, 1998, however nothing in  
3 this section shall be interpreted to repeal or affect the  
4 validity of any rule adopted and promulgated prior to August 28,  
5 1998. If the provisions of section 536.028, RSMo, apply, the  
6 provisions of this section are nonseverable and if any of the  
7 powers vested with the general assembly pursuant to section  
8 536.028, RSMo, to review, to delay the effective date, or to  
9 disapprove and annul a rule or portion of a rule are held  
10 unconstitutional or invalid, the purported grant of rulemaking  
11 authority and any rule so proposed and contained in the order of  
12 rulemaking shall be invalid and void, except that nothing in this  
13 section shall affect the validity of any rule adopted and  
14 promulgated prior to August 28, 1998.

15 2. Any county, municipality or fire protection district may  
16 establish a program to allow the use of automated external  
17 defibrillators by any person properly qualified who follows  
18 medical protocol for use of the device or member of a fire,  
19 police, ambulance service, emergency medical response agency or  
20 first responder agency provided that such person has completed a  
21 course certified by the American Red Cross or American Heart  
22 Association that includes cardiopulmonary resuscitation training  
23 and demonstrated proficiency in the use of such automated  
24 external defibrillators.

1           3.] A person or entity who acquires an automated external  
2 defibrillator shall ensure that:

3           (1) Expected defibrillator users receive training by the  
4 American Red Cross or American Heart Association in  
5 cardiopulmonary resuscitation and the use of automated external  
6 defibrillators, or an equivalent nationally recognized course in  
7 defibrillator use and cardiopulmonary resuscitation;

8           (2) The defibrillator is maintained and tested according to  
9 the manufacturer's operational guidelines;

10          (3) Any person who renders emergency care or treatment on a  
11 person in cardiac arrest by using an automated external  
12 defibrillator activates the emergency medical services system as  
13 soon as possible; and

14          (4) Any person or entity that owns an automated external  
15 defibrillator that is for use outside of a health care facility  
16 shall have a physician [provide medical protocol for the use of  
17 the device] review and approve the clinical protocol for the use  
18 of the defibrillator, review and advise regarding the training  
19 and skill maintenance of the intended users of the defibrillator  
20 and assure proper review of all situations when the defibrillator  
21 is used to render emergency care.

22          [4.] 2. Any person or entity who acquires an automated  
23 external defibrillator shall notify the emergency communications  
24 district or the ambulance dispatch center of the primary provider

1 of emergency medical services where the automated external  
2 defibrillator is to be located.

3 [5.] 3. Any person who has had appropriate training,  
4 including a course in cardiopulmonary resuscitation, has  
5 demonstrated a proficiency in the use of an automated external  
6 defibrillator, and who gratuitously and in good faith renders  
7 emergency care when medically appropriate by use of or provision  
8 of an automated external defibrillator, without objection of the  
9 injured victim or victims thereof, shall not be held liable for  
10 any civil damages as a result of such care or treatment, where  
11 the person acts as an ordinarily reasonable, prudent person, or  
12 with regard to a health care professional, including the licensed  
13 physician who reviews and approves the clinical protocol, as a  
14 reasonably prudent and careful health care provider would have  
15 acted, under the same or similar circumstances. Nothing in this  
16 section shall affect any claims brought pursuant to chapter 537  
17 or 538, RSMo.

18 190.094. In any county of the second classification  
19 containing part of a city which is located in four counties and  
20 any county bordering said county on the east and south and in any  
21 county of the third classification with a population of at least  
22 eight thousand four hundred but less than eight thousand five  
23 hundred inhabitants containing part of a lake of nine hundred  
24 fifty-eight miles of shoreline but less than one thousand miles

1 of shoreline each ambulance, when in use as an ambulance, shall  
2 be staffed with a minimum of one emergency medical technician and  
3 one other crew member as set forth in rules adopted by the  
4 department. When transporting a patient, at least one licensed  
5 emergency medical technician, [mobile emergency medical  
6 technician,] registered nurse or physician shall be in attendance  
7 with the patient in the patient compartment at all times.

8 190.100. As used in sections 190.001 to 190.245, the  
9 following words and terms mean:

10 (1) "Advanced life support (ALS)", an advanced level of  
11 care as provided to the adult and pediatric patient such as  
12 defined by national curricula, and any modifications to that  
13 curricula specified in rules adopted by the department pursuant  
14 to sections 190.001 to 190.245;

15 (2) "Ambulance", any privately or publicly owned vehicle or  
16 craft that is specially designed, constructed or modified,  
17 staffed or equipped for, and is intended or used, maintained or  
18 operated for the transportation of persons who are sick, injured,  
19 wounded or otherwise incapacitated or helpless, or who require  
20 the presence of medical equipment being used on such individuals,  
21 but the term does not include any motor vehicle specially  
22 designed, constructed or converted for the regular transportation  
23 of persons who are disabled, handicapped, normally using a  
24 wheelchair, or otherwise not acutely ill, or emergency vehicles

1       used within airports;

2           (3) "Ambulance service", a person or entity that provides  
3       emergency or nonemergency ambulance transportation and services,  
4       or both, in compliance with sections 190.001 to 190.245, and the  
5       rules promulgated by the department pursuant to sections 190.001  
6       to 190.245;

7           (4) "Ambulance service area", a specific geographic area in  
8       which an ambulance service has been authorized to operate;

9           (5) "Basic life support (BLS)", a basic level of care, as  
10      provided to the adult and pediatric patient as defined by  
11      national curricula, and any modifications to that curricula  
12      specified in rules adopted by the department pursuant to sections  
13      190.001 to 190.245;

14          (6) "Council", the state advisory council on emergency  
15      medical services;

16          (7) "Department", the department of health and senior  
17      services, state of Missouri;

18          (8) "Director", the director of the department of health  
19      and senior services or the director's duly authorized  
20      representative;

21          (9) "Dispatch agency", any person or organization that  
22      receives requests for emergency medical services from the public,  
23      by telephone or other means, and is responsible for dispatching  
24      emergency medical services;

1           (10) "Emergency", the sudden and, at the time, unexpected  
2 onset of a health condition that manifests itself by symptoms of  
3 sufficient severity that would lead a prudent layperson,  
4 possessing an average knowledge of health and medicine, to  
5 believe that the absence of immediate medical care could result  
6 in:

7           (a) Placing the person's health, or with respect to a  
8 pregnant woman, the health of the woman or her unborn child, in  
9 significant jeopardy;

10          (b) Serious impairment to a bodily function;

11          (c) Serious dysfunction of any bodily organ or part;

12          (d) Inadequately controlled pain;

13          (11) "Emergency medical dispatcher", a person who receives  
14 emergency calls from the public and has successfully completed an  
15 emergency medical dispatcher course, meeting or exceeding the  
16 national curriculum of the United States Department of  
17 Transportation and any modifications to such curricula specified  
18 by the department through rules adopted pursuant to sections  
19 190.001 to 190.245;

20          (12) "Emergency medical response agency", any person that  
21 regularly provides a level of care that includes first response,  
22 basic life support or advanced life support, exclusive of patient  
23 transportation;

24          (13) "Emergency medical services for children (EMS-C)

1 system", the arrangement of personnel, facilities and equipment  
2 for effective and coordinated delivery of pediatric emergency  
3 medical services required in prevention and management of  
4 incidents which occur as a result of a medical emergency or of an  
5 injury event, natural disaster or similar situation;

6 (14) "Emergency medical services (EMS) system", the  
7 arrangement of personnel, facilities and equipment for the  
8 effective and coordinated delivery of emergency medical services  
9 required in prevention and management of incidents occurring as a  
10 result of an illness, injury, natural disaster or similar  
11 situation;

12 (15) "Emergency medical technician", a person licensed in  
13 emergency medical care in accordance with standards prescribed by  
14 sections 190.001 to 190.245, and by rules adopted by the  
15 department pursuant to sections 190.001 to 190.245;

16 (16) "Emergency medical technician-basic" or "EMT-B", a  
17 person who has successfully completed a course of instruction in  
18 basic life support as prescribed by the department and is  
19 licensed by the department in accordance with standards  
20 prescribed by sections 190.001 to 190.245 and rules adopted by  
21 the department pursuant to sections 190.001 to 190.245;

22 (17) "Emergency medical technician-intermediate" or "EMT-  
23 I", a person who has successfully completed a course of  
24 instruction in certain aspects of advanced life support care as

1 prescribed by the department, and is serving with an emergency  
2 medical response agency licensed in any county of the first  
3 classification without a charter form of government and with more  
4 than one hundred eighty-four thousand but less than one hundred  
5 eighty-eight thousand inhabitants, any county with a charter form  
6 of government and with more than six hundred thousand but less  
7 than seven hundred thousand inhabitants, or any county of the  
8 first classification with more than seventy-three thousand seven  
9 hundred but less than seventy-three thousand eight hundred  
10 inhabitants, and is licensed by the department in accordance with  
11 sections 190.001 to 190.245 and rules and regulations adopted by  
12 the department pursuant to sections 190.001 to 190.245;

13 [(17)] (18) "Emergency medical technician-paramedic" or  
14 "EMT-P", a person who has successfully completed a course of  
15 instruction in advanced life support care as prescribed by the  
16 department and is licensed by the department in accordance with  
17 sections 190.001 to 190.245 and rules adopted by the department  
18 pursuant to sections 190.001 to 190.245;

19 [(18)] (19) "Emergency services", health care items and  
20 services furnished or required to screen and stabilize an  
21 emergency which may include, but shall not be limited to, health  
22 care services that are provided in a licensed hospital's  
23 emergency facility by an appropriate provider or by an ambulance  
24 service or emergency medical response agency;



1           [(19)] (20) "First responder", a person who has  
2           successfully completed an emergency first response course meeting  
3           or exceeding the national curriculum of the United States  
4           Department of Transportation and any modifications to such  
5           curricula specified by the department through rules adopted  
6           pursuant to sections 190.001 to 190.245 and who provides  
7           emergency medical care through employment by or in association  
8           with an emergency medical response agency;

9           [(20)] (21) "Health care facility", a hospital, nursing  
10          home, physician's office or other fixed location at which medical  
11          and health care services are performed;

12          [(21)] (22) "Hospital", an establishment as defined in the  
13          hospital licensing law, subsection 2 of section 197.020, RSMo, or  
14          a hospital operated by the state;

15          [(22)] (23) "Medical control", supervision provided by or  
16          under the direction of physicians to providers by written or  
17          verbal communications;

18          [(23)] (24) "Medical direction", medical guidance and  
19          supervision provided by a physician to an emergency services  
20          provider or emergency medical services system;

21          [(24)] (25) "Medical director", a physician licensed  
22          pursuant to chapter 334, RSMo, designated by the ambulance  
23          service or emergency medical response agency and who meets  
24          criteria specified by the department by rules pursuant to

1 sections 190.001 to 190.245;

2 [(25)] (26) "Memorandum of understanding", an agreement  
3 between an emergency medical response agency or dispatch agency  
4 and an ambulance service or services within whose territory the  
5 agency operates, in order to coordinate emergency medical  
6 services;

7 [(26)] (27) "Patient", an individual who is sick, injured,  
8 wounded, diseased, or otherwise incapacitated or helpless, or  
9 dead, excluding deceased individuals being transported from or  
10 between private or public institutions, homes or cemeteries, and  
11 individuals declared dead prior to the time an ambulance is  
12 called for assistance;

13 [(27)] (28) "Person", as used in these definitions and  
14 elsewhere in sections 190.001 to 190.245, any individual, firm,  
15 partnership, copartnership, joint venture, association,  
16 cooperative organization, corporation, municipal or private, and  
17 whether organized for profit or not, state, county, political  
18 subdivision, state department, commission, board, bureau or  
19 fraternal organization, estate, public trust, business or common  
20 law trust, receiver, assignee for the benefit of creditors,  
21 trustee or trustee in bankruptcy, or any other service user or  
22 provider;

23 [(28)] (29) "Physician", a person licensed as a physician  
24 pursuant to chapter 334, RSMo;

1           [(29)] (30) "Political subdivision", any municipality,  
2           city, county, city not within a county, ambulance district or  
3           fire protection district located in this state which provides or  
4           has authority to provide ambulance service;

5           [(30)] (31) "Professional organization", any organized  
6           group or association with an ongoing interest regarding emergency  
7           medical services. Such groups and associations could include  
8           those representing volunteers, labor, management, firefighters,  
9           EMT-B's, nurses, EMT-P's, physicians, communications specialists  
10          and instructors. Organizations could also represent the  
11          interests of ground ambulance services, air ambulance services,  
12          fire service organizations, law enforcement, hospitals, trauma  
13          centers, communication centers, pediatric services, labor unions  
14          and poison control services;

15          [(31)] (32) "Proof of financial responsibility", proof of  
16          ability to respond to damages for liability, on account of  
17          accidents occurring subsequent to the effective date of such  
18          proof, arising out of the ownership, maintenance or use of a  
19          motor vehicle in the financial amount set in rules promulgated by  
20          the department, but in no event less than the statutory minimum  
21          required for motor vehicles. Proof of financial responsibility  
22          shall be used as proof of self-insurance;

23          (33) "Protocol", a predetermined, written medical care  
24          guideline, which may include standing orders;

1           [(32)] (34) "Regional EMS advisory committee", a committee  
2       formed within an emergency medical services (EMS) region to  
3       advise ambulance services, the state advisory council on EMS and  
4       the department;

5           (35) "Specialty care transportation", the transportation of  
6       a patient requiring the services of an emergency medical  
7       technician paramedic who has received additional training beyond  
8       the training prescribed by the department. Specialty care  
9       transportation services shall be defined in writing in the  
10      appropriate local protocols for ground and air ambulance services  
11      and approved by the local physician medical director. The  
12      protocols shall be maintained by the local ambulance service and  
13      shall define the additional training required of the emergency  
14      medical technician paramedic;

15          [(33)] (36) "Stabilize", with respect to an emergency, the  
16      provision of such medical treatment as may be necessary to  
17      attempt to assure within reasonable medical probability that no  
18      material deterioration of an individual's medical condition is  
19      likely to result from or occur during ambulance transportation  
20      unless the likely benefits of such transportation outweigh the  
21      risks;

22          [(34)] (37) "State advisory council on emergency medical  
23      services", a committee formed to advise the department on policy  
24      affecting emergency medical service throughout the state;

1           [(35)] (38) "State EMS medical directors advisory  
2 committee", a subcommittee of the state advisory council on  
3 emergency medical services formed to advise the state advisory  
4 council on emergency medical services and the department on  
5 medical issues;

6           [(36)] (39) "Trauma", an injury to human tissues and  
7 organs resulting from the transfer of energy from the  
8 environment;

9           [(37)] (40) "Trauma care" includes injury prevention,  
10 triage, acute care and rehabilitative services for major single  
11 system or multisystem injuries that potentially require immediate  
12 medical or surgical intervention or treatment;

13           [(38)] (41) "Trauma center", a hospital that is currently  
14 designated as such by the department.

15           190.101. 1. There is hereby established a "State Advisory  
16 Council on Emergency Medical Services" which shall consist of  
17 [fifteen] sixteen members, one of which shall be a resident of a  
18 city not within a county. The members of the council shall be  
19 appointed by the governor with the advice and consent of the  
20 senate and shall serve terms of four years. The governor shall  
21 designate one of the members as chairperson. The chairperson may  
22 appoint subcommittees that include noncouncil members.

23           2. The state EMS medical directors advisory committee and  
24 the regional EMS advisory committees will be recognized as

1 subcommittees of the state advisory council on emergency medical  
2 services.

3 3. The council shall have geographical representation and  
4 representation from appropriate areas of expertise in emergency  
5 medical services including volunteers, professional organizations  
6 involved in emergency medical services, EMT's, paramedics,  
7 nurses, firefighters, physicians, ambulance service  
8 administrators, hospital administrators and other health care  
9 providers concerned with emergency medical services. The  
10 regional EMS advisory committees shall serve as a resource for  
11 the identification of potential members of the state advisory  
12 council on emergency medical services.

13 4. The members of the council and subcommittees shall serve  
14 without compensation except that the department of health and  
15 senior services shall budget for reasonable travel expenses and  
16 meeting expenses related to the functions of the council.

17 5. The purpose of the council is to make recommendations to  
18 the governor, the general assembly, and the department on  
19 policies, plans, procedures and proposed regulations on how to  
20 improve the statewide emergency medical services system. The  
21 council shall advise the governor, the general assembly, and the  
22 department on all aspects of the emergency medical services  
23 system.

24 190.105. 1. No person, either as owner, agent or

1 otherwise, shall furnish, operate, conduct, maintain, advertise,  
2 or otherwise be engaged in or profess to be engaged in the  
3 business or service of the transportation of patients by  
4 ambulance in the air, upon the streets, alleys, or any public way  
5 or place of the state of Missouri unless such person holds a  
6 currently valid license from the department for an ambulance  
7 service issued pursuant to the provisions of sections 190.001 to  
8 190.245.

9 2. No ground ambulance shall be operated for ambulance  
10 purposes, and no individual shall drive, attend or permit it to  
11 be operated for such purposes in the state of Missouri unless the  
12 ground ambulance is under the immediate supervision and direction  
13 of a person who is holding a currently valid Missouri license as  
14 an emergency medical technician[; except that]\_. Nothing in this  
15 section shall be construed to mean that a duly registered nurse  
16 or a duly licensed physician be required to hold an emergency  
17 medical technician's license. Each ambulance service is  
18 responsible for assuring that any person driving its ambulance is  
19 competent in emergency vehicle operations and has a safe driving  
20 record. Each ground ambulance shall be staffed with at least two  
21 licensed individuals when transporting a patient, except as  
22 provided in section 190.094.

23 3. No license shall be required for an ambulance service,  
24 or for the attendant of an ambulance, which:

1           (1) Is rendering assistance in the case of an emergency,  
2 major catastrophe or any other unforeseen event or series of  
3 events which jeopardizes the ability of the local ambulance  
4 service to promptly respond to emergencies; or

5           (2) Is operated from a location or headquarters outside of  
6 Missouri in order to transport patients who are picked up beyond  
7 the limits of Missouri to locations within or outside of  
8 Missouri, but no such outside ambulance shall be used to pick up  
9 patients within Missouri for transportation to locations within  
10 Missouri, except as provided in subdivision (1) of this  
11 subsection.

12           4. The issuance of a license [under] pursuant to the  
13 provisions of sections 190.001 to 190.245 shall not be construed  
14 so as to authorize any person to provide ambulance services or to  
15 operate any ambulances without a franchise in any city not within  
16 a county or in a political subdivision in any county with a  
17 population of over nine hundred thousand inhabitants, or a  
18 franchise, contract or mutual-aid agreement in any other  
19 political subdivision which has enacted an ordinance making it  
20 unlawful to do so.

21           5. Sections 190.001 to 190.245 shall not preclude the  
22 adoption of any law, ordinance or regulation not in conflict with  
23 such sections by any city not within a county, or at least as  
24 strict as such sections by any county, municipality or political



1 subdivision except that no such regulations or ordinances shall  
2 be adopted by a political subdivision in a county with a  
3 population of over nine hundred thousand inhabitants except by  
4 the county's governing body.

5 6. In a county with a population of over nine hundred  
6 thousand inhabitants, the governing body of the county shall set  
7 the standards for all ambulance services which shall comply with  
8 subsection 5 of this section. All such ambulance services must  
9 be licensed by the department. The governing body of such county  
10 shall not prohibit a licensed ambulance service from operating in  
11 the county, as long as the ambulance service meets county  
12 standards.

13 7. An ambulance service or vehicle when operated for the  
14 purpose of transporting persons who are sick, injured, or  
15 otherwise incapacitated shall not be treated as a common or  
16 contract carrier under the jurisdiction of the Missouri [public  
17 service commission] division of motor carrier and railroad  
18 safety.

19 8. Sections 190.001 to 190.245 shall not apply to, nor be  
20 construed to include, any motor vehicle used by an employer for  
21 the transportation of such employer's employees whose illness or  
22 injury occurs on private property, and not on a public highway or  
23 property, nor to any person operating such a motor vehicle.

24 9. A political subdivision that is authorized to operate a

1 licensed ambulance service may establish, operate, maintain and  
2 manage its ambulance service, and select and contract with a  
3 licensed ambulance service. Any political subdivision may  
4 contract with a licensed ambulance service.

5 10. Except as provided in subsections 5 and 6, nothing in  
6 section 67.300, RSMo, or subsection 2 of section 190.109, shall  
7 be construed to authorize any municipality or county which is  
8 located within an ambulance district or a fire protection  
9 district that is authorized to provide ambulance service to  
10 promulgate laws, ordinances or regulations related to the  
11 provision of ambulance services. This provision shall not apply  
12 to any municipality or county which operates an ambulance service  
13 established prior to August 28, 1998.

14 11. Nothing in section 67.300, RSMo, or subsection 2 of  
15 section 190.109 shall be construed to authorize any municipality  
16 or county which is located within an ambulance district or a fire  
17 protection district that is authorized to provide ambulance  
18 service to operate an ambulance service without a franchise in an  
19 ambulance district or a fire protection district that is  
20 authorized to provide ambulance service which has enacted an  
21 ordinance making it unlawful to do so. This provision shall not  
22 apply to any municipality or county which operates an ambulance  
23 service established prior to August 28, 1998.

24 12. No provider of ambulance service within the state of

1 Missouri which is licensed by the department to provide such  
2 service shall discriminate regarding treatment or transportation  
3 of emergency patients on the basis of race, sex, age, color,  
4 religion, sexual preference, national origin, ancestry, handicap,  
5 medical condition or ability to pay.

6 13. No provision of this section, other than subsections 5,  
7 6, 10 and 11 of this section, is intended to limit or supersede  
8 the powers given to ambulance districts pursuant to this chapter  
9 or to fire protection districts pursuant to chapter 321, RSMo, or  
10 to counties, cities, towns and villages pursuant to chapter 67,  
11 RSMo.

12 14. Upon the sale or transfer of any ground ambulance  
13 service ownership, the owner of such service shall notify the  
14 department of the change in ownership within thirty days of such  
15 sale or transfer. After receipt of such notice, the department  
16 shall conduct an inspection of the ambulance service to verify  
17 compliance with the licensure standards of sections 190.001 to  
18 190.245.

19 190.108. 1. The department shall, within a reasonable time  
20 after receipt of an application, cause such investigation as the  
21 department deems necessary to be made of the applicant for an air  
22 ambulance license.

23 2. The department shall have the authority and  
24 responsibility to license an air ambulance service in accordance

1 with sections 190.001 to 190.245, and in accordance with rules  
2 adopted by the department pursuant to sections 190.001 to  
3 190.245. The department may promulgate rules relating to the  
4 requirements for an air ambulance license including, but not  
5 limited to:

- 6 (1) Medical control plans;
- 7 (2) Medical director qualifications;
- 8 (3) Air medical staff qualifications;
- 9 (4) Response and operations standards to assure that the  
10 health and safety needs of the public are met;
- 11 (5) Standards for air medical communications;
- 12 (6) Criteria for compliance with licensure requirements;
- 13 (7) Records and forms;
- 14 (8) Equipment requirements;
- 15 (9) Five-year license renewal;
- 16 (10) Quality improvement committees; and
- 17 (11) Response time, patient care and transportation  
18 standards.

19 3. Application for an air ambulance service license shall  
20 be made upon such forms as prescribed by the department in rules  
21 adopted pursuant to sections 190.001 to 190.245. The application  
22 form shall contain such information as the department deems  
23 necessary to make a determination as to whether the air ambulance  
24 service meets all the requirements of sections 190.001 to 190.245

1 and rules promulgated pursuant to sections 190.001 to 190.245.

2 4. Upon the sale or transfer of any air ambulance service  
3 ownership, the owner of such service shall notify the department  
4 of the change in ownership within thirty days of such sale or  
5 transfer. After receipt of such notice, the department shall  
6 conduct an inspection of the ambulance service to verify  
7 compliance with the licensure standards of sections 190.001 to  
8 190.245.

9 190.109. 1. The department shall, within a reasonable time  
10 after receipt of an application, cause such investigation as the  
11 department deems necessary to be made of the applicant for a  
12 ground ambulance license.

13 2. Any person that owned and operated a licensed ambulance  
14 on December 31, 1997, shall receive an ambulance service license  
15 from the department, unless suspended, revoked or terminated, for  
16 that ambulance service area which was, on December 31, 1997,  
17 described and filed with the department as the primary service  
18 area for its licensed ambulances on August 28, 1998, provided  
19 that the person makes application and adheres to the rules and  
20 regulations promulgated by the department pursuant to sections  
21 190.001 to 190.245.

22 3. The department shall issue a new ground ambulance  
23 service license to an ambulance service that is not currently  
24 licensed by the department, or is currently licensed by the

1 department and is seeking to expand its ambulance service area,  
2 except as provided in subsection 4 of this section, to be valid  
3 for a period of five years, unless suspended, revoked or  
4 terminated, when the director finds that the applicant meets the  
5 requirements of ambulance service licensure established pursuant  
6 to sections 190.100 to 190.245 and the rules adopted by the  
7 department pursuant to sections 190.001 to 190.245. In order to  
8 be considered for a new ambulance service license, an ambulance  
9 service shall submit to the department a letter of endorsement  
10 from each ambulance district or fire protection district that is  
11 authorized to provide ambulance service, or from each  
12 municipality not within an ambulance district or fire protection  
13 district that is authorized to provide ambulance service, in  
14 which the ambulance service proposes to operate. If an ambulance  
15 service proposes to operate in unincorporated portions of a  
16 county not within an ambulance district or fire protection  
17 district that is authorized to provide ambulance service, in  
18 order to be considered for a new ambulance service license, the  
19 ambulance service shall submit to the department a letter of  
20 endorsement from the county. Any letter of endorsement required  
21 pursuant to this section shall verify that the political  
22 subdivision has conducted a public hearing regarding the  
23 endorsement and that the governing body of the political  
24 subdivision has adopted a resolution approving the endorsement.

1 The letter of endorsement shall affirmatively state that the  
2 proposed ambulance service:

3 (1) Will provide a benefit to public health that outweighs  
4 the associated costs;

5 (2) Will maintain or enhance the public's access to  
6 ambulance services;

7 (3) Will maintain or improve the public health and promote  
8 the continued development of the regional emergency medical  
9 service system;

10 (4) Has demonstrated the appropriate expertise in the  
11 operation of ambulance services; and

12 (5) Has demonstrated the financial resources necessary for  
13 the operation of the proposed ambulance service.

14 4. A contract between a political subdivision and a  
15 licensed ambulance service for the provision of ambulance  
16 services for that political subdivision shall expand, without  
17 further action by the department, the ambulance service area of  
18 the licensed ambulance service to include the jurisdictional  
19 boundaries of the political subdivision. The termination of the  
20 aforementioned contract shall result in a reduction of the  
21 licensed ambulance service's ambulance service area by removing  
22 the geographic area of the political subdivision from its  
23 ambulance service area, except that licensed ambulance service  
24 providers may provide ambulance services as are needed at and

1 around the state fair grounds for protection of attendees at the  
2 state fair.

3 5. The department shall renew a ground ambulance service  
4 license if the applicant meets the requirements established  
5 pursuant to sections 190.001 to 190.245, and the rules adopted by  
6 the department pursuant to sections 190.001 to 190.245.

7 6. The department shall promulgate rules relating to the  
8 requirements for a ground ambulance service license including,  
9 but not limited to:

10 (1) Vehicle design, specification, operation and  
11 maintenance standards;

12 (2) Equipment requirements;

13 (3) Staffing requirements;

14 (4) Five-year license renewal;

15 (5) Records and forms;

16 (6) Medical control plans;

17 (7) Medical director qualifications;

18 (8) Standards for medical communications;

19 (9) Memorandums of understanding with emergency medical  
20 response agencies that provide advanced life support;

21 (10) Quality improvement committees; and

22 (11) Response time, patient care and transportation  
23 standards.

24 7. Application for a ground ambulance service license shall



1 be made upon such forms as prescribed by the department in rules  
2 adopted pursuant to sections 190.001 to 190.245. The application  
3 form shall contain such information as the department deems  
4 necessary to make a determination as to whether the ground  
5 ambulance service meets all the requirements of sections 190.001  
6 to 190.245 and rules promulgated pursuant to sections 190.001 to  
7 190.245.

8 190.120. 1. No ambulance service license shall be issued  
9 pursuant to sections 190.001 to 190.245, nor shall such license  
10 be valid after issuance, nor shall any ambulance be operated in  
11 Missouri unless there is at all times in force and effect  
12 insurance coverage [issued by an insurance company] or proof of  
13 financial responsibility with adequate reserves maintained for  
14 each and every ambulance owned or operated by or for the  
15 applicant or licensee[, or unless any city not within a county  
16 which owns or operates the license has at all times sufficient  
17 self-insurance coverage] to provide for the payment of damages in  
18 an amount as prescribed in regulation:

19 (1) For injury to or death of individuals in accidents  
20 resulting from any cause for which the owner of [said] such  
21 vehicle would be liable on account of liability imposed on him or  
22 her by law, regardless of whether the ambulance was being driven  
23 by the owner or the owner's agent; and

24 (2) For the loss of or damage to the property of another,

1 including personal property, under like circumstances.

2         2. The insurance policy[, or in the case of a self-insured  
3 city not within a county, proof of self-insurance,] or proof of  
4 financial responsibility shall be submitted by all licensees  
5 required to provide such insurance pursuant to sections 190.001  
6 to 190.245. The insurance policy, or proof of the existence of  
7 [self-insurance of a city not within a county] financial  
8 responsibility, shall be submitted to the director, in such form  
9 as the director may specify, for the director's approval prior to  
10 the issuance of each ambulance service license.

11         3. Every insurance policy or proof of financial  
12 responsibility document required by the provisions of this  
13 section shall contain [or in the case of a self-insured city not  
14 within a county shall have] proof of a provision for a continuing  
15 liability thereunder to the full amount thereof, notwithstanding  
16 any recovery thereon; that the liability of the insurer shall not  
17 be affected by the insolvency or the bankruptcy of the assured;  
18 and that until the policy is revoked the insurance company or  
19 self-insured [city not within a county] licensee or entity will  
20 not be relieved from liability on account of nonpayment of  
21 premium, failure to renew license at the end of the year, or any  
22 act or omission of the named assured. Such policy of insurance  
23 or self-insurance shall be further conditioned for the payment of  
24 any judgments up to the limits of [said] such policy, recovered

1 against any person other than the owner, the owner's agent or  
2 employee, who may operate the same with the consent of the owner.

3 4. Every insurance policy or self-insured [city not within  
4 a county] licensee or entity as required by the provisions of  
5 this section shall extend for the period to be covered by the  
6 license applied for and the insurer shall be obligated to give  
7 not less than thirty days' written notice to the director and to  
8 the insured before any cancellation or termination thereof  
9 earlier than its expiration date, and the cancellation or other  
10 termination of any such policy shall automatically revoke and  
11 terminate the licenses issued for the ambulance service covered  
12 by such policy unless covered by another insurance policy in  
13 compliance with sections 190.001 to 190.245.

14 190.131. 1. The department shall accredit or certify  
15 training entities for first responders, emergency medical  
16 dispatchers, emergency medical technicians-basic, emergency  
17 medical technicians-intermediate, and emergency medical  
18 technicians-paramedic, for a period of five years, if the  
19 applicant meets the requirements established pursuant to sections  
20 190.001 to 190.245.

21 2. Such rules promulgated by the department shall set forth  
22 the minimum requirements for entrance criteria, training program  
23 curricula, instructors, facilities, equipment, medical oversight,  
24 record keeping, and reporting.

1           3. Application for training entity accreditation or  
2           certification shall be made upon such forms as prescribed by the  
3           department in rules adopted pursuant to sections 190.001 to  
4           190.245. The application form shall contain such information as  
5           the department deems reasonably necessary to make a determination  
6           as to whether the training entity meets all requirements of  
7           sections 190.001 to 190.245 and rules promulgated pursuant to  
8           sections 190.001 to 190.245.

9           4. Upon receipt of such application for training entity  
10          accreditation or certification, the department shall determine  
11          whether the training entity, its instructors, facilities,  
12          equipment, curricula and medical oversight meet the requirements  
13          of sections 190.001 to 190.245 and rules promulgated pursuant to  
14          sections 190.001 to 190.245.

15          5. Upon finding these requirements satisfied, the  
16          department shall issue a training entity accreditation or  
17          certification in accordance with rules promulgated by the  
18          department pursuant to sections 190.001 to 190.245.

19          6. Subsequent to the issuance of a training entity  
20          accreditation or certification, the department shall cause a  
21          periodic review of the training entity to assure continued  
22          compliance with the requirements of sections 190.001 to 190.245  
23          and all rules promulgated pursuant to sections 190.001 to  
24          190.245.

1           7. No person or entity shall hold itself out or provide  
2 training required by this section without accreditation or  
3 certification by the department.

4           190.133. 1. The department shall, within a reasonable time  
5 after receipt of an application, cause such investigation as the  
6 department deems necessary to be made of the applicant for an  
7 emergency medical response agency license.

8           2. The department shall issue a license to any emergency  
9 medical response agency which provides advanced life support if  
10 the applicant meets the requirements established pursuant to  
11 sections 190.001 to 190.245, and the rules adopted by the  
12 department pursuant to sections 190.001 to 190.245. The  
13 department may promulgate rules relating to the requirements for  
14 an emergency medical response agency including, but not limited  
15 to:

16           (1) A licensure period of five years;  
17           (2) Medical direction;  
18           (3) Records and forms; and  
19           (4) Memorandum of understanding with local ambulance  
20 services.

21           3. Application for an emergency medical response agency  
22 license shall be made upon such forms as prescribed by the  
23 department in rules adopted pursuant to sections 190.001 to  
24 190.245. The application form shall contain such information as

1 the department deems necessary to make a determination as to  
2 whether the emergency medical response agency meets all the  
3 requirements of sections 190.001 to 190.245 and rules promulgated  
4 pursuant to sections 190.001 to 190.245.

5 4. No person or entity shall hold itself out as an  
6 emergency medical response agency that provides advanced life  
7 support or provide the services of an emergency medical response  
8 agency that provides advanced life support unless such person or  
9 entity is licensed by the department.

10 5. Only emergency medical response agencies licensed and  
11 serving in any county of the first classification without a  
12 charter form of government and with more than one hundred  
13 eighty-four thousand but less than one hundred eighty-eight  
14 thousand inhabitants, any county with a charter form of  
15 government and with more than six hundred thousand but less than  
16 seven hundred thousand inhabitants, or any county of the first  
17 classification with more than seventy-three thousand seven  
18 hundred but less than seventy-three thousand eight hundred  
19 inhabitants will be licensed to provide certain ALS services with  
20 the services of EMT-Is.

21 6. Emergency medical response agencies functioning with the  
22 services of EMT-Is must work in collaboration with an ambulance  
23 service providing advanced life support with personnel trained to  
24 the emergency medical technician paramedic level.

1           190.142. 1. The department shall, within a reasonable time  
2 after receipt of an application, cause such investigation as it  
3 deems necessary to be made of the applicant for an emergency  
4 medical technician's license. The director may authorize  
5 investigations into criminal records in other states for any  
6 applicant.

7           2. The department shall issue a license to all levels of  
8 emergency medical technicians, for a period of five years, if the  
9 applicant meets the requirements established pursuant to sections  
10 190.001 to 190.245 and the rules adopted by the department  
11 pursuant to sections 190.001 to 190.245. The department may  
12 promulgate rules relating to the requirements for an emergency  
13 medical technician including but not limited to:

14           (1) Age requirements;

15           (2) Education and training requirements based on respective  
16 national curricula of the United States Department of  
17 Transportation and any modification to such curricula specified  
18 by the department through rules adopted pursuant to sections  
19 190.001 to 190.245;

20           (3) Initial licensure testing requirements;

21           (4) Continuing education and relicensure requirements; and

22           (5) Ability to speak, read and write the English language.

23           3. Application for all levels of emergency medical  
24 technician license shall be made upon such forms as prescribed by

1 the department in rules adopted pursuant to sections 190.001 to  
2 190.245. The application form shall contain such information as  
3 the department deems necessary to make a determination as to  
4 whether the emergency medical technician meets all the  
5 requirements of sections 190.001 to 190.245 and rules promulgated  
6 pursuant to sections 190.001 to 190.245.

7 4. All levels of emergency medical technicians may perform  
8 only that patient care which is:

9 (1) Consistent with the training, education and experience  
10 of the particular emergency medical technician; and

11 (2) Ordered by a physician or set forth in protocols  
12 approved by the medical director.

13 5. No person shall hold themselves out as an emergency  
14 medical technician or provide the services of an emergency  
15 medical technician unless such person is licensed by the  
16 department.

17 6. [All patients transported in a supine position in a  
18 vehicle other than an ambulance shall receive an appropriate  
19 level of care. The department shall promulgate rules regarding  
20 the provisions of this section. This subsection shall only apply  
21 to vehicles transporting patients for a fee.] Any rule or portion  
22 of a rule, as that term is defined in section 536.010, RSMo, that  
23 is created under the authority delegated in this section shall  
24 become effective only if it complies with and is subject to all



1 of the provisions of chapter 536, RSMo, and, if applicable,  
2 section 536.028, RSMo. This section and chapter 536, RSMo, are  
3 nonseverable and if any of the powers vested with the general  
4 assembly pursuant to chapter 536, RSMo, to review, to delay the  
5 effective date or to disapprove and annul a rule are subsequently  
6 held unconstitutional, then the grant of rulemaking authority and  
7 any rule proposed or adopted after August 28, 2002, shall be  
8 invalid and void.

9 190.143. 1. Notwithstanding any other provisions of law,  
10 the department may grant a ninety-day temporary emergency medical  
11 technician license to all levels of emergency medical technicians  
12 who meet the following:

13 (1) Can demonstrate that they have, or will have employment  
14 requiring an emergency medical technician license;

15 (2) Are not currently licensed as an emergency medical  
16 technician in Missouri or have been licensed as an emergency  
17 medical technician in Missouri and fingerprints need to be  
18 submitted to the Federal Bureau of Investigation to verify the  
19 existence or absence of a criminal history, or they are currently  
20 licensed and the license will expire before a verification can be  
21 completed of the existence or absence of a criminal history;

22 (3) Have submitted a complete application upon such forms  
23 as prescribed by the department in rules adopted pursuant to  
24 sections 190.001 to 190.245;

1           (4) Have not been disciplined pursuant to sections 190.001  
2 to 190.245 and rules promulgated pursuant to sections 190.001 to  
3 190.245;

4           (5) Meet all the requirements of rules promulgated pursuant  
5 to sections 190.001 to 190.245.

6           2. A temporary emergency medical technician license shall  
7 only authorize the license to practice while under the immediate  
8 supervision of a licensed emergency medical technician-basic,  
9 emergency medical technician-paramedic, registered nurse or  
10 physician who is currently licensed, without restrictions, to  
11 practice in Missouri.

12           3. A temporary emergency medical technician license shall  
13 automatically expire either ninety days from the date of issuance  
14 or upon the issuance of a five-year emergency medical technician  
15 license.

16           190.145. Any licensee allowing a license to lapse may  
17 within two years of the lapse request that their license be  
18 returned to active status by notifying the department in advance  
19 of such intention, and submit a complete application upon such  
20 forms as prescribed by the department in rules adopted pursuant  
21 to sections 190.001 to 190.245. If the licensee meets all the  
22 requirements for relicensure, the department shall issue a new  
23 emergency medical technician license to the licensee.

24           190.160. The renewal of any license shall require

1 conformance with sections 190.001 to 190.245 and sections 190.525  
2 to 190.537, and rules adopted by the department pursuant to  
3 sections 190.001 to 190.245 and sections 190.525 to 190.537.

4 190.165. 1. The department may refuse to issue or deny  
5 renewal of any certificate, permit or license required pursuant  
6 to sections 190.100 to 190.245 for failure to comply with the  
7 provisions of [this act] sections 190.100 to 190.245 or any  
8 lawful regulations promulgated by the department to implement its  
9 provisions as described in subsection 2 of this section. The  
10 department shall notify the applicant in writing of the reasons  
11 for the refusal and shall advise the applicant of his or her  
12 right to file a complaint with the administrative hearing  
13 commission as provided by chapter 621, RSMo.

14 2. The department may cause a complaint to be filed with  
15 the administrative hearing commission as provided by chapter 621,  
16 RSMo, against any holder of any certificate, permit or license  
17 required by sections 190.100 to 190.245 or any person who has  
18 failed to renew or has surrendered his or her certificate, permit  
19 or license for failure to comply with the provisions of sections  
20 190.100 to 190.245 or any lawful regulations promulgated by the  
21 department to implement such sections. Those regulations shall  
22 be limited to the following:

23 (1) Use or unlawful possession of any controlled substance,  
24 as defined in chapter 195, RSMo, or alcoholic beverage to an

1 extent that such use impairs a person's ability to perform the  
2 work of any activity licensed or regulated by sections 190.100 to  
3 190.245;

4 (2) Being finally adjudicated and found guilty, or having  
5 entered a plea of guilty or nolo contendere, in a criminal  
6 prosecution under the laws of any state or of the United States,  
7 for any offense reasonably related to the qualifications,  
8 functions or duties of any activity licensed or regulated  
9 pursuant to sections 190.100 to 190.245, for any offense an  
10 essential element of which is fraud, dishonesty or an act of  
11 violence, or for any offense involving moral turpitude, whether  
12 or not sentence is imposed;

13 (3) Use of fraud, deception, misrepresentation or bribery  
14 in securing any certificate, permit or license issued pursuant to  
15 sections 190.100 to 190.245 or in obtaining permission to take  
16 any examination given or required pursuant to sections 190.100 to  
17 190.245;

18 (4) Obtaining or attempting to obtain any fee, charge,  
19 tuition or other compensation by fraud, deception or  
20 misrepresentation;

21 (5) Incompetency, misconduct, gross negligence, fraud,  
22 misrepresentation or dishonesty in the performance of the  
23 functions or duties of any activity licensed or regulated by  
24 sections 190.100 to 190.245;

1           (6) Violation of, or assisting or enabling any person to  
2           violate, any provision of sections 190.100 to 190.245, or of any  
3           lawful rule or regulation adopted by the department pursuant to  
4           sections 190.100 to 190.245;

5           (7) Impersonation of any person holding a certificate,  
6           permit or license or allowing any person to use his or her  
7           certificate, permit, license or diploma from any school;

8           (8) Disciplinary action against the holder of a license or  
9           other right to practice any activity regulated by sections  
10          190.100 to 190.245 granted by another state, territory, federal  
11          agency or country upon grounds for which revocation or suspension  
12          is authorized in this state;

13          (9) For an individual being finally adjudged insane or  
14          incompetent by a court of competent jurisdiction;

15          (10) Assisting or enabling any person to practice or offer  
16          to practice any activity licensed or regulated by sections  
17          190.100 to 190.245 who is not licensed and currently eligible to  
18          practice pursuant to sections 190.100 to 190.245;

19          (11) Issuance of a certificate, permit or license based  
20          upon a material mistake of fact;

21          (12) Violation of any professional trust or confidence;

22          (13) Use of any advertisement or solicitation which is  
23          false, misleading or deceptive to the general public or persons  
24          to whom the advertisement or solicitation is primarily directed;

1           (14) Violation of the drug laws or rules and regulations of  
2 this state, any other state or the federal government;

3           (15) Refusal of any applicant or licensee to cooperate with  
4 the department of health and senior services during any  
5 investigation;

6           (16) Any conduct or practice which is or might be harmful  
7 or dangerous to the mental or physical health of a patient or the  
8 public;

9           (17) Repeated negligence in the performance of the  
10 functions or duties of any activity licensed or regulated by  
11 sections 190.100 to 190.245.

12           3. After the filing of such complaint, the proceedings  
13 shall be conducted in accordance with the provisions of chapter  
14 621, RSMo. Upon a finding by the administrative hearing  
15 commission that the grounds, provided in subsection 2 of this  
16 section, for disciplinary action are met, the department may,  
17 singly or in combination, censure or place the person named in  
18 the complaint on probation on such terms and conditions as the  
19 department deems appropriate for a period not to exceed five  
20 years, or may suspend, for a period not to exceed three years, or  
21 revoke the license, certificate or permit.

22           4. An individual whose license has been revoked shall wait  
23 one year from the date of revocation to apply for relicensure.  
24 Relicensure shall be at the discretion of the department after

1 compliance with all the requirements of sections 190.100 to  
2 190.245 relative to the licensing of an applicant for the first  
3 time. Any individual whose license has been revoked twice within  
4 a ten-year period shall not be eligible for relicensure.

5 5. The department may notify the proper licensing authority  
6 of any other state in which the person whose license was  
7 suspended or revoked was also licensed of the suspension or  
8 revocation.

9 6. Any person, organization, association or corporation who  
10 reports or provides information to the department pursuant to the  
11 provisions of sections 190.100 to 190.245 and who does so in good  
12 faith shall not be subject to an action for civil damages as a  
13 result thereof.

14 7. The department of health and senior services may suspend  
15 any certificate, permit or license required pursuant to sections  
16 190.100 to 190.245 simultaneously with the filing of the  
17 complaint with the administrative hearing commission as set forth  
18 in subsection 2 of this section, if the department finds that  
19 there is an imminent threat to the public health. The notice of  
20 suspension shall include the basis of the suspension and notice  
21 of the right to appeal such suspension. The licensee may appeal  
22 the decision to suspend the license, certificate or permit to the  
23 department. The appeal shall be filed within ten days from the  
24 date of the filing of the complaint. A hearing shall be

1 conducted by the department within ten days from the date the  
2 appeal is filed. The suspension shall continue in effect until  
3 the conclusion of the proceedings, including review thereof,  
4 unless sooner withdrawn by the department, dissolved by a court  
5 of competent jurisdiction or stayed by the administrative hearing  
6 commission.

7 190.171. Any person aggrieved by an official action of the  
8 department of health and senior services affecting the licensed  
9 status of a person [under] pursuant to the provisions of sections  
10 190.001 to 190.245 and sections 190.525 to 190.537, including the  
11 refusal to grant, the grant, the revocation, the suspension, or  
12 the failure to renew a license, may seek a determination thereon  
13 by the administrative hearing commission pursuant to the  
14 provisions of section 621.045, RSMo, and it shall not be a  
15 condition to such determination that the person aggrieved seek a  
16 reconsideration, a rehearing, or exhaust any other procedure  
17 within the department of health and senior services or the  
18 department of social services.

19 190.172. Notwithstanding the provisions of subdivision (3)  
20 of subsection 3 of section 621.045, RSMo, to the contrary, if no  
21 contested case has been filed against the licensee, the agency  
22 shall submit a copy of the settlement agreement signed by all of  
23 the parties within fifteen days after signature to the  
24 administrative hearing commission for determination that the



1 facts agreed to by the parties to the settlement constitute  
2 grounds for denying or disciplining the license of the licensee.  
3 Any person who is directly harmed by the specific conduct for  
4 which the discipline is sought may submit a written impact  
5 statement to the administrative hearing commission for  
6 consideration in connection with the commission's review of the  
7 settlement agreement.

8 190.175. 1. Each ambulance service licensee or emergency  
9 medical response agency licensee shall maintain accurate records,  
10 which contain information concerning the care and, if applicable,  
11 the transportation of each patient.

12 2. Records will be retained by the ambulance service  
13 licensees and emergency medical response agency licensees for  
14 five years, readily available for inspection by the department,  
15 notwithstanding transfer, sale or discontinuance of the ambulance  
16 services or business.

17 3. [An ambulance] A patient care report, approved by the  
18 department, shall be completed for each ambulance run on which  
19 are entered pertinent remarks by the emergency medical  
20 technician, registered nurse or physician and such other items as  
21 specified by rules promulgated by the department.

22 4. A written or electronic patient care document shall be  
23 completed and given to the ambulance service personnel by the  
24 health care facility when a patient is transferred between health

1 care facilities. Such patient care record shall contain such  
2 information pertinent to the continued care of the patient as  
3 well as the health and safety of the ambulance service personnel  
4 during the transport. Nothing in this section shall be construed  
5 as to limit the reporting requirements established in federal law  
6 relating to the transfer of patients between health care  
7 facilities.

8 5. Such records shall be available for inspection by the  
9 department at any reasonable time during business hours.

10 190.185. The department shall adopt, amend, promulgate, and  
11 enforce such rules, regulations and standards with respect to the  
12 provisions of this chapter as may be designed to further the  
13 accomplishment of the purpose of this law in promoting  
14 state-of-the-art emergency medical services in the interest of  
15 public health, safety and welfare. When promulgating such rules  
16 and regulations, the department shall consider the  
17 recommendations of the state advisory council on emergency  
18 medical services. [No] Any rule or portion of a rule promulgated  
19 pursuant to the authority of sections 190.001 to 190.245 or  
20 sections 190.525 to 190.537 shall become effective [unless it has  
21 been promulgated pursuant to the provisions of chapter 536, RSMo]  
22 only if it complies with and is subject to all of the provisions  
23 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
24 This section and chapter 536, RSMo, are nonseverable and if any

1 of the powers vested with the general assembly pursuant to  
2 chapter 536, RSMo, to review, to delay the effective date or to  
3 disapprove and annul a rule are subsequently held  
4 unconstitutional, then the grant of rulemaking authority and any  
5 rule proposed or adopted after August 28, 2002, shall be invalid  
6 and void.

7 190.196. 1. No employer shall knowingly employ or permit  
8 any employee to perform any services for which a license,  
9 certificate or other authorization is required by sections  
10 190.001 to 190.245, or by rules adopted pursuant to sections  
11 190.001 to 190.245, unless and until the person so employed  
12 possesses all licenses, certificates or authorizations that are  
13 required.

14 2. Any person or entity that employs or supervises a  
15 person's activities as a first responder [or], emergency medical  
16 dispatcher, emergency medical technician-basic, emergency medical  
17 technician-paramedic, registered nurse or physician shall  
18 cooperate with the department's efforts to monitor and enforce  
19 compliance by those individuals subject to the requirements of  
20 sections 190.001 to 190.245.

21 3. Any person or entity who employs individuals licensed by  
22 the department pursuant to sections 190.001 to 190.245 shall  
23 report to the department within seventy-two hours of their having  
24 knowledge of any charges filed against a licensee in their employ

1 for possible criminal action involving the following felony  
2 offenses:

3 (1) Child abuse or sexual abuse of a child;

4 (2) Crimes of violence; or

5 (3) Rape or sexual abuse.

6 4. Any licensee who has charges filed against him or her  
7 for the felony offenses in subsection 3 of this section shall  
8 report such an occurrence to the department within seventy-two  
9 hours of the charges being filed.

10 5. The department will monitor these reports for possible  
11 licensure action authorized pursuant to section 190.165.

12 190.248. 1. All investigations conducted in response to  
13 allegations of violations of sections 190.001 to 190.245 shall be  
14 completed within six months of receipt of the allegation.

15 2. In the course of an investigation the department shall  
16 have access to all records directly related to the alleged  
17 violations from persons or entities licensed pursuant to this  
18 chapter or chapter 197 or 198, RSMo.

19 3. Any department investigations that involve other  
20 administrative or law enforcement agencies shall be completed  
21 within six months of notification and final determination by such  
22 administrative or law enforcement agencies.

23 190.525. As used in sections 190.525 to 190.537, the  
24 following terms mean:

1       (1) "Department", the department of health and senior  
2       services;

3       (2) "Director", the director of the department of health  
4       and senior services or the director's duly authorized  
5       representative;

6       (3) "Passenger", an individual needing transportation in a  
7       supine position who does not require medical monitoring,  
8       observation, aid, care or treatment during transportation, with  
9       the exception of self-administered oxygen as ordered by a  
10      physician during transportation;

11      (4) "Patient", an individual who is sick, injured, wounded,  
12      diseased, or otherwise incapacitated or helpless, and who may  
13      require medical monitoring, medical observation, aid, care or  
14      treatment during transportation, with the exception of self-  
15      administered oxygen as ordered by a physician;

16      (5) "Person", any individual, firm, partnership,  
17      copartnership, joint venture, association, cooperative  
18      organization, corporation, municipal or private, and whether  
19      organized for profit or not, state, county, political  
20      subdivision, state department, commission, board, bureau or  
21      fraternal organization, estate, public trust, business or common  
22      law trust, receiver, assignee for the benefit of creditors,  
23      trustee or trustee in bankruptcy, or any other service user or  
24      provider;

1       (6) "Stretcher van", any vehicle other than an ambulance  
2 designed and equipped to transport passengers in a supine  
3 position. No such vehicle shall be used to provide medical  
4 services;

5       (7) "Stretcher van service", any person or agency that  
6 provides stretcher van transportation to passengers who are  
7 confined to stretchers and whose conditions are such that they do  
8 not need and are not likely to need medical attention during  
9 transportation.

10       190.528. 1. No person, either as owner, agent or  
11 otherwise, shall furnish, operate, conduct, maintain, advertise,  
12 or otherwise be engaged in or profess to be engaged in the  
13 business or service of the transportation of passengers by  
14 stretcher van upon the streets, alleys, or any public way or  
15 place of the state of Missouri unless such person holds a  
16 currently valid license from the department for a stretcher van  
17 service issued pursuant to the provisions of sections 190.525 to  
18 190.537 notwithstanding any provisions of chapter 390 or 622,  
19 RSMo, to the contrary.

20       2. Subsection 1 of this section shall not preclude any  
21 political subdivision that is authorized to operate a licensed  
22 ambulance service from adopting any law, ordinance or regulation  
23 governing the operation of stretcher vans that is at least as  
24 strict as the minimum state standards, except that no such

1 regulations or ordinances shall be adopted by a political  
2 subdivision in any county with a charter form of government and  
3 with more than one million inhabitants except by the county's  
4 governing body and no such regulations or ordinances shall  
5 prohibit stretcher van services that were legally picking up  
6 passengers within a political subdivision prior to January 1,  
7 2001, from continuing to operate within that political  
8 subdivision and no political subdivision which did not regulate  
9 or prohibit stretcher van services as of January 1, 2001, shall  
10 implement unreasonable regulations or ordinances to prevent the  
11 establishment and operation of such services.

12 3. In any county with a charter form of government and with  
13 more than one million inhabitants, the governing body of the  
14 county shall set reasonable standards for all stretcher van  
15 services which shall comply with subsection 2 of this section.  
16 All such stretcher van services must be licensed by the  
17 department. The governing body of such county shall not prohibit  
18 a licensed stretcher van service from operating in the county, as  
19 long as the stretcher van service meets county standards.

20 4. Nothing shall preclude the enforcement of any laws,  
21 ordinances or regulations of any political subdivision authorized  
22 to operate a licensed ambulance service that were in effect prior  
23 to August 28, 2001.

24 5. Stretcher van services may transport passengers.

1       6. A stretcher van shall be staffed by at least two  
2       individuals when transporting passengers.

3       7. The crew of the stretcher van is required to immediately  
4       contact the appropriate ground ambulance service if a passenger's  
5       condition deteriorates.

6       8. Stretcher van services shall not transport patients,  
7       persons currently admitted to a hospital or persons being  
8       transported to a hospital for admission or emergency treatment.

9       9. The department of health and senior services shall  
10      promulgate regulations, including but not limited to adequate  
11      insurance, on-board equipment, vehicle staffing, vehicle  
12      maintenance, vehicle specifications, vehicle communications,  
13      passenger safety and records and reports.

14      10. The department of health and senior services shall  
15      issue service licenses for a period of no more than five years  
16      for each service meeting the established rules.

17      11. Application for a stretcher van license shall be made  
18      upon such forms as prescribed by the department in rules adopted  
19      pursuant to sections 190.525 to 190.537. The application form  
20      shall contain such information as the department deems necessary  
21      to make a determination as to whether the stretcher van agency  
22      meets all the requirements of sections 190.525 to 190.537 and  
23      rules promulgated pursuant to sections 190.525 to 190.537. The  
24      department shall conduct an inspection of the stretcher van



1 service to verify compliance with the licensure standards of  
2 sections 190.525 to 190.537.

3 12. Upon the sale or transfer of any stretcher van service  
4 ownership, the owner of the stretcher van service shall notify  
5 the department of the change in ownership within thirty days  
6 prior to the sale or transfer. The department shall conduct an  
7 inspection of the stretcher van service to verify compliance with  
8 the licensure standards of sections 190.525 to 190.537.

9 13. Ambulance services licensed pursuant to this chapter or  
10 any rules promulgated by the department of health and senior  
11 services pursuant to this chapter may provide stretcher van and  
12 wheel chair transportation services pursuant to sections 190.525  
13 to 190.537.

14 14. Any rule or portion of a rule, as that term is defined  
15 in section 536.010, RSMo, that is created under the authority  
16 delegated in this section shall become effective only if it  
17 complies with and is subject to all of the provisions of chapter  
18 536, RSMo, and, if applicable, section 536.028, RSMo. This  
19 section and chapter 536, RSMo, are nonseverable and if any of the  
20 powers vested with the general assembly pursuant to chapter 536,  
21 RSMo, to review, to delay the effective date or to disapprove and  
22 annul a rule are subsequently held unconstitutional, then the  
23 grant of rulemaking authority and any rule proposed or adopted  
24 after August 28, 2002, shall be invalid and void.

1       190.531. 1. The department may refuse to issue or deny  
2       renewal of any license required pursuant to sections 190.525 to  
3       190.537 for failure to comply with the provisions of sections  
4       190.525 to 190.537 or any lawful regulations promulgated by the  
5       department to implement the provisions of sections 190.525 to  
6       190.537. The department shall notify the applicant in writing of  
7       the reasons for the refusal and shall advise the applicant of his  
8       or her right to file a complaint with the administrative hearing  
9       commission as provided by chapter 621, RSMo.

10       2. The department may cause a complaint to be filed with  
11       the administrative hearing commission as provided by chapter 621,  
12       RSMo, against any holder of any license required by sections  
13       190.525 to 190.537 or any person who has failed to renew or has  
14       surrendered his or her license for failure to comply with the  
15       provisions of sections 190.525 to 190.537 or any lawful  
16       regulations promulgated by the department to implement such  
17       sections. Those regulations shall be limited to the following:

18       (1) Use or unlawful possession of any controlled substance,  
19       as defined in chapter 195, RSMo, or alcoholic beverage to an  
20       extent that such use impairs a person's ability to perform the  
21       work of any activity licensed or regulated by sections 190.525 to  
22       190.537;

23       (2) Being finally adjudicated and found guilty, or having  
24       entered a plea of guilty or nolo contendere, in a criminal

1 prosecution pursuant to the laws of any state or of the United  
2 States, for any offense reasonably related to the qualifications,  
3 functions or duties of any activity licensed or regulated  
4 pursuant to sections 190.525 to 190.537, for any offense an  
5 essential element of which is fraud, dishonesty or an act of  
6 violence, or for any offense involving moral turpitude, whether  
7 or not sentence is imposed;

8 (3) Use of fraud, deception, misrepresentation or bribery  
9 in securing any certificate, permit or license issued pursuant to  
10 sections 190.525 to 190.537 or in obtaining permission to take  
11 any examination given or required pursuant to sections 190.537 to  
12 190.540;

13 (4) Obtaining or attempting to obtain any fee, charge,  
14 tuition or other compensation by fraud, deception or  
15 misrepresentation;

16 (5) Incompetency, misconduct, gross negligence, fraud,  
17 misrepresentation or dishonesty in the performance of the  
18 functions or duties of any activity licensed or regulated by  
19 sections 190.525 to 190.537;

20 (6) Violation of, or assisting or enabling any person to  
21 violate, any provision of sections 190.525 to 190.537, or of any  
22 lawful rule or regulation adopted by the department pursuant to  
23 sections 190.525 to 190.537;

24 (7) Impersonation of any person holding a license or

1 allowing any person to use his or her license;

2 (8) Disciplinary action against the holder of a license or  
3 other right to practice any activity regulated by sections  
4 190.525 to 190.537 granted by another state, territory, federal  
5 agency or country upon grounds for which revocation or suspension  
6 is authorized in this state;

7 (9) For an individual, being finally adjudged insane or  
8 incompetent by a court of competent jurisdiction;

9 (10) Issuance of a license based upon a material mistake of  
10 fact;

11 (11) Violation of any professional trust or confidence;

12 (12) Use of any advertisement or solicitation which is  
13 false, misleading or deceptive to the general public or persons  
14 to whom the advertisement or solicitation is primarily directed;

15 (13) Violation of the drug laws or rules and regulations of  
16 this state, any other state or the federal government;

17 (14) Refusal of any applicant or licensee, to cooperate  
18 with the department of health and senior services during any  
19 investigation;

20 (15) Any conduct or practice which is or might be harmful  
21 or dangerous to the mental or physical health of a patient or the  
22 public;

23 (16) Repeated negligence in the performance of the  
24 functions or duties of any activity licensed by this chapter.

1       3. After the filing of such complaint, the proceedings  
2 shall be conducted in accordance with the provisions of chapter  
3 621, RSMo. Upon a finding by the administrative hearing  
4 commission that the grounds, as provided in subsection 2 of this  
5 section, for disciplinary action are met, the department may,  
6 singly or in combination, censure or place the person named in  
7 the complaint on probation on such terms and conditions as the  
8 department deems appropriate for a period not to exceed five  
9 years, or may suspend, for a period not to exceed three years, or  
10 revoke the license.

11       4. An individual whose license has been revoked shall wait  
12 one year from the date of revocation to apply for relicensure.  
13 Relicensure shall be at the discretion of the department after  
14 compliance with all the requirements of sections 190.525 to  
15 190.537 relative to the licensing of an applicant for the first  
16 time.

17       5. The department may notify the proper licensing authority  
18 of any other state in which the person whose license was  
19 suspended or revoked was also licensed, of the suspension or  
20 revocation.

21       6. Any person, organization, association or corporation who  
22 reports or provides information to the department pursuant to the  
23 provisions of sections 190.525 to 190.537 and who does so in good  
24 faith and without negligence shall not be subject to an action

1 for civil damages as a result thereof.

2 7. The department of health and senior services may suspend  
3 any license required pursuant to sections 190.525 to 190.537  
4 simultaneously with the filing of the complaint with the  
5 administrative hearing commission as set forth in subsection 2 of  
6 this section, if the department finds that there is an imminent  
7 threat to the public health. The notice of suspension shall  
8 include the basis of the suspension and notice of the right to  
9 appeal such suspension. The licensee may appeal the decision to  
10 suspend the license to the department. The appeal shall be filed  
11 within ten days from the date of the filing of the complaint. A  
12 hearing shall be conducted by the department within ten days from  
13 the date the appeal is filed. The suspension shall continue in  
14 effect until the conclusion of the proceedings, including review  
15 thereof, unless sooner withdrawn by the department, dissolved by  
16 a court of competent jurisdiction or stayed by the administrative  
17 hearing commission.

18 190.534. 1. Any person violating, or failing to comply  
19 with, the provisions of section 190.525 to 190.537 is guilty of a  
20 class B misdemeanor.

21 2. Each day that any violation of, or failure to comply  
22 with, sections 190.525 to 190.537 is committed or permitted to  
23 continue shall constitute a separate and distinct offense, and  
24 shall be punishable as a separate offense pursuant to this

1 section; but the court may, in appropriate cases, stay the  
2 cumulation of penalties.

3 3. The attorney general shall have concurrent jurisdiction  
4 with any and all prosecuting attorneys to prosecute persons in  
5 violation of sections 190.525 to 190.537, and the attorney  
6 general or prosecuting attorney may institute injunctive  
7 proceedings against any person operating in violation of sections  
8 190.525 to 190.537.

9 190.537. Any rule or portion of a rule, as that term is  
10 defined in section 536.010, RSMo, that is created pursuant to the  
11 authority of sections 190.525 to 190.537 shall become effective  
12 only if it complies with and is subject to all of the provisions  
13 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
14 This section and chapter 536, RSMo, are nonseverable and if any  
15 of the powers vested with the general assembly pursuant to  
16 chapter 536, RSMo, to review, to delay the effective date or to  
17 disapprove and annul a rule are subsequently held  
18 unconstitutional, then the grant of rulemaking authority and any  
19 rule proposed or adopted after August 28, 2002, shall be invalid  
20 and void.

21 191.630. As used in sections 191.630 and 191.631, the  
22 following terms mean:

23 (1) "Care provider", a person who is employed as an  
24 emergency medical care provider, firefighter, or police officer;

1       (2) "Contagious or infectious disease", hepatitis in any  
2       form and any other communicable disease as defined in section  
3       192.800, RSMo, except AIDS or HIV infection as defined in section  
4       191.650, determined to be life-threatening to a person exposed to  
5       the disease as established by rules adopted by the department, in  
6       accordance with guidelines of the Centers for Disease Control and  
7       Prevention of the Department of Health and Human Services;

8       (3) "Department", the Missouri department of health and  
9       senior services;

10       (4) "Emergency medical care provider", a licensed or  
11       certified person trained to provide emergency and nonemergency  
12       medical care as a first responder, EMT-B, or EMT-P as defined in  
13       section 190.100, RSMo, or other certification or licensure levels  
14       adopted by rule of the department;

15       (5) "Exposure", a specific eye, mouth, other mucous  
16       membrane, nonintact skin, or parenteral contact with blood or  
17       other potentially infectious materials that results from the  
18       performance of an employee's duties;

19       (6) "HIV", the same meaning as defined in section 191.650;

20       (7) "Hospital", the same meaning as defined in section  
21       197.020, RSMo.

22       191.631. 1. (1) Notwithstanding any other law to the  
23       contrary, if a care provider sustains an exposure from a person  
24       while rendering emergency health care services, the person to



1 whom the care provider was exposed is deemed to consent to a test  
2 to determine if the person has a contagious or infectious disease  
3 and is deemed to consent to notification of the care provider of  
4 the results of the test, upon submission of an exposure report by  
5 the care provider to the hospital where the person is delivered  
6 by the care provider.

7 (2) The hospital where the person is delivered shall  
8 conduct the test. The sample and test results shall only be  
9 identified by a number and shall not otherwise identify the  
10 person tested.

11 (3) A hospital shall have written policies and procedures  
12 for notification of a care provider pursuant to this section.  
13 The policies and procedures shall include designation of a  
14 representative of the care provider to whom notification shall be  
15 provided and who shall, in turn, notify the care provider. The  
16 identity of the designated representative of the care provider  
17 shall not be disclosed to the person tested. The designated  
18 representative shall inform the hospital of those parties who  
19 receive the notification, and following receipt of such  
20 information and upon request of the person tested, the hospital  
21 shall inform the person of the parties to whom notification was  
22 provided.

23 2. If a person tested is diagnosed or confirmed as having a  
24 contagious or infectious disease pursuant to this section, the

1 hospital shall notify the care provider or the designated  
2 representative of the care provider who shall then notify the  
3 care provider.

4 3. The notification to the care provider shall advise the  
5 care provider of possible exposure to a particular contagious or  
6 infectious disease and recommend that the care provider seek  
7 medical attention. The notification shall be provided as soon as  
8 is reasonably possible following determination that the  
9 individual has a contagious or infectious disease. The  
10 notification shall not include the name of the person tested for  
11 the contagious or infectious disease unless the person consents.  
12 If the care provider who sustained an exposure determines the  
13 identity of the person diagnosed or confirmed as having a  
14 contagious or infectious disease, the identity of the person  
15 shall be confidential information and shall not be disclosed by  
16 the care provider to any other individual unless a specific  
17 written release obtained by the person diagnosed with or  
18 confirmed as having a contagious or infectious disease.

19 4. This section does not require or permit, unless  
20 otherwise provided, a hospital to administer a test for the  
21 express purpose of determining the presence of a contagious or  
22 infectious disease; except that testing may be performed if the  
23 person consents and if the requirements of this section are  
24 satisfied.

1       5. This section does not preclude a hospital from providing  
2 notification to a care provider under circumstances in which the  
3 hospital's policy provides for notification of the hospital's own  
4 employees of exposure to a contagious or infectious disease that  
5 is not life-threatening if the notice does not reveal a patient's  
6 name, unless the patient consents.

7       6. A hospital participating in good faith in complying with  
8 the provisions of this section is immune from any liability,  
9 civil or criminal, which may otherwise be incurred or imposed.

10       7. A hospital's duty of notification pursuant to this  
11 section is not continuing but is limited to diagnosis of a  
12 contagious or infectious disease made in the course of admission,  
13 care, and treatment following the rendering of health care  
14 services to which notification pursuant to this section applies.

15       8. A hospital that performs a test in compliance with this  
16 section or that fails to perform a test authorized pursuant to  
17 this section is immune from any liability, civil or criminal,  
18 which may otherwise be incurred or imposed.

19       9. A hospital has no duty to perform the test authorized.

20       10. The department shall adopt rules to implement this  
21 section. The department may determine by rule the contagious or  
22 infectious diseases for which testing is reasonable and  
23 appropriate and which may be administered pursuant to this  
24 section. No rule or portion of a rule promulgated under the

1 authority of this section shall become effective unless it has  
2 been promulgated pursuant to chapter 536, RSMo.

3 11. The employer of a care provider who sustained an  
4 exposure pursuant to this section shall pay the costs of testing  
5 for the person who is the source of the exposure and of the  
6 testing of the care provider if the exposure was sustained during  
7 the course of employment.

8 198.199. Notwithstanding any provision of law to the  
9 contrary, the licensing or certification provisions of sections  
10 198.003 to 198.186, shall not apply to any entity that:

11 (1) Has presented its operating model to the department of  
12 health and senior services or the department of social services  
13 before beginning operation;

14 (2) Has received a letter from the department confirming  
15 that no licensure or certification is required for such operating  
16 model;

17 (3) Continues to follow the model presented to the  
18 department; and

19 (4) Has received zoning or other governmental approval  
20 before April 20, 2001, for no more than two additional properties  
21 to be operated according to the previously approved model.

22 320.350. 1. As used in this section, an existing high-rise  
23 building is any building constructed before January 1, 2002, and

1 having floor surfaces higher than seventy-five feet.

2 2. All existing high-rise buildings shall be protected  
3 throughout by an approved fire protection sprinkler system by  
4 January 1, 2015, and subject to the schedule adopted by the state  
5 fire marshal. The minimum standards for approved fire protection  
6 sprinkler systems shall be the provisions of National Fire  
7 Protection Association Pamphlet 13, entitled Standard for the  
8 Installation of Sprinkler Systems.

9 3. The state fire marshal is authorized to adopt those  
10 rules that are reasonable and necessary to accomplish the duties  
11 delegated by this section. No rule or portion of a rule  
12 promulgated pursuant to the authority of this section shall  
13 become effective unless it has been promulgated pursuant to  
14 chapter 536, RSMo.

15 4. Whoever violates this section shall be guilty of a class  
16 B misdemeanor. This section shall not apply to state-owned  
17 buildings.

18 321.130. 1. A person, to be qualified to serve as a  
19 director, shall be a voter of the district at least two years  
20 [prior to his] before the election or appointment and be over the  
21 age of twenty-five years; except as provided in subsections 2 and  
22 3 of this section. Nominations and declarations of candidacy  
23 shall be filed at the headquarters of the fire protection  
24 district by paying a ten dollar filing fee and filing a statement

1 under oath that such person possesses the required  
2 qualifications.

3 2. In any fire protection district located in more than one  
4 county one of which is a first class county without a charter  
5 form of government having a population of more than one hundred  
6 ninety-eight thousand and not adjoining any other first class  
7 county or located wholly within a first class county as described  
8 herein, a resident shall have been a resident of the district for  
9 more than one year to be qualified to serve as a director.

10 3. In any fire protection district located in a county of  
11 the third or fourth classification, a person to be qualified to  
12 serve as a director shall be over the age of twenty-five years  
13 and shall be a voter of the [county in which the] district [is  
14 located] for more than two years [prior to his] before the  
15 election or appointment, except that for the first board of  
16 directors in such district, a person need only be a voter of the  
17 [county in which the] district [is located] for one year [prior  
18 to his] before the election or appointment.

19 4. A person desiring to become a candidate for the first  
20 board of directors of the proposed district shall pay the sum of  
21 five dollars as a filing fee to the treasurer of the county and  
22 shall file with the election authority a statement under oath  
23 that [he] such person possesses all of the qualifications set out  
24 in this chapter for a director of a fire protection district.

1       Thereafter, such candidate shall have [his] the candidate's name  
2       placed on the ballot as a candidate for director.

3               321.552. 1. Except in any county of the first  
4       classification with over two hundred thousand inhabitants, the  
5       governing body of any ambulance or fire protection district may  
6       impose a sales tax in an amount up to one-half of one percent on  
7       all retail sales made in such ambulance or fire protection  
8       district which are subject to taxation pursuant to the provisions  
9       of sections 144.010 to 144.525, RSMo, provided that such sales  
10       tax shall be accompanied by a reduction in the district's tax  
11       rate as defined in section 137.073, RSMo. The tax authorized by  
12       this section shall be in addition to any and all other sales  
13       taxes allowed by law, except that no sales tax imposed pursuant  
14       to the provisions of this section shall be effective unless the  
15       governing body of the ambulance or fire protection district  
16       submits to the voters of such ambulance or fire protection  
17       district, at a municipal or state general, primary or special  
18       election, a proposal to authorize the governing body of the  
19       ambulance or fire protection district to impose a tax pursuant to  
20       this section.

21               2. The ballot of submission shall contain, but need not be  
22       limited to, the following language:

23               "Shall ..... (insert name of ambulance or  
24       fire protection district) impose a sales tax of .....

1 (insert amount up to one-half) of one percent for the purpose of  
2 providing revenues for the operation of the .....  
3 (insert name of ambulance or fire protection district) and the  
4 total property tax levy on properties in the ..... (insert name  
5 of the ambulance or fire protection district) shall be reduced  
6 annually by an amount which reduces property tax revenues by an  
7 amount equal to fifty percent of the previous year's revenue  
8 collected from this sales tax?

9 ☐ Yes

☐ No

10 If you are in favor of the question, place an "X" in the box  
11 opposite "Yes". If you are opposed to the question, place an "X"  
12 in the box opposite "No".

13 3. If a majority of the votes cast on the proposal by the  
14 qualified voters voting thereon are in favor of the proposal,  
15 then the sales tax authorized in this section shall be in effect  
16 and the governing body of the ambulance or fire protection  
17 district shall lower the level of its tax rate by an amount which  
18 reduces property tax revenues by an amount equal to fifty percent  
19 of the amount of sales tax collected in the preceding year. If a  
20 majority of the votes cast by the qualified voters voting are  
21 opposed to the proposal, then the governing body of the ambulance  
22 or fire protection district shall not impose the sales tax  
23 authorized in this section unless and until the governing body of



1 such ambulance or fire protection district resubmits a proposal  
2 to authorize the governing body of the ambulance or fire  
3 protection district to impose the sales tax authorized by this  
4 section and such proposal is approved by a majority of the  
5 qualified voters voting thereon.

6 4. All revenue received by a district from the tax  
7 authorized pursuant to this section shall be deposited in a  
8 special trust fund, and be used solely for the purposes specified  
9 in the proposal submitted pursuant to this section for so long as  
10 the tax shall remain in effect.

11 5. All sales taxes collected by the director of revenue  
12 pursuant to this section, less one percent for cost of collection  
13 which shall be deposited in the state's general revenue fund  
14 after payment of premiums for surety bonds as provided in section  
15 32.087, RSMo, shall be deposited in a special trust fund, which  
16 is hereby created, to be known as the "Ambulance or Fire  
17 Protection District Sales Tax Trust Fund". The moneys in the  
18 ambulance or fire protection district sales tax trust fund shall  
19 not be deemed to be state funds and shall not be commingled with  
20 any funds of the state. The director of revenue shall keep  
21 accurate records of the amount of money in the trust and the  
22 amount collected in each district imposing a sales tax pursuant  
23 to this section, and the records shall be open to inspection by  
24 officers of the county and to the public. Not later than the

1 tenth day of each month the director of revenue shall distribute  
2 all moneys deposited in the trust fund during the preceding month  
3 to the governing body of the district which levied the tax; such  
4 funds shall be deposited with the board treasurer of each such  
5 district.

6 6. The director of revenue may authorize the state  
7 treasurer to make refunds from the amounts in the trust fund and  
8 credit any district for erroneous payments and overpayments made,  
9 and may redeem dishonored checks and drafts deposited to the  
10 credit of such district. If any district abolishes the tax, the  
11 district shall notify the director of revenue of the action at  
12 least ninety days prior to the effective date of the repeal and  
13 the director of revenue may order retention in the trust fund,  
14 for a period of one year, of two percent of the amount collected  
15 after receipt of such notice to cover possible refunds or  
16 overpayment of the tax and to redeem dishonored checks and drafts  
17 deposited to the credit of such accounts. After one year has  
18 elapsed after the effective date of abolition of the tax in such  
19 district, the director of revenue shall remit the balance in the  
20 account to the district and close the account of that district.  
21 The director of revenue shall notify each district of each  
22 instance of any amount refunded or any check redeemed from  
23 receipts due the district.

24 7. Except as modified in this section, all provisions of

1 sections 32.085 and 32.087, RSMo, shall apply to the tax imposed  
2 pursuant to this section.

3 321.554. 1. When the revenue from the ambulance or fire  
4 protection district sales tax is collected for distribution  
5 pursuant to section 321.552, the board of the ambulance or fire  
6 protection district, after determining its budget for the year  
7 pursuant to section 67.010, RSMo, and the rate of levy needed to  
8 produce the required revenue and after making any other  
9 adjustments to the levy that may be required by any other law,  
10 shall reduce the total operating levy of the district in an  
11 amount sufficient to decrease the revenue it would have received  
12 therefrom by an amount equal to fifty percent of the previous  
13 fiscal year's sales tax receipts. Loss of revenue, due to a  
14 decrease in the assessed valuation of real property located  
15 within the ambulance or fire protection district as a result of  
16 general reassessment, and from state-assessed railroad and  
17 utility distributable property based upon the previous fiscal  
18 year's receipts shall be considered in lowering the rate of levy  
19 to comply with this section in the year of general reassessment  
20 and in each subsequent year. In the event that in the  
21 immediately preceding year the ambulance or fire protection  
22 district actually received more or less sales tax revenue than  
23 estimated, the ambulance or fire protection district board may  
24 adjust its operating levy for the current year to reflect such

1 increase or decrease. The director of revenue shall certify the  
2 amount payable from the ambulance or fire protection district  
3 sales tax trust fund to the general revenue fund to the state  
4 treasurer.

5 2. Except that, in the first year in which any sales tax is  
6 collected pursuant to section 321.552, the collector shall not  
7 reduce the tax rate as defined in section 137.073, RSMo.

8 3. In a year of general reassessment, as defined by section  
9 137.073, RSMo, or assessment maintenance as defined by section  
10 137.115, RSMo, in which an ambulance or fire protection district  
11 in reliance upon the information then available to it relating to  
12 the total assessed valuation of such ambulance or fire protection  
13 district revises its property tax levy pursuant to section  
14 137.073 or 137.115, RSMo, and it is subsequently determined by  
15 decisions of the state tax commission or a court pursuant to  
16 sections 138.430 to 138.433, RSMo, or due to clerical errors or  
17 corrections in the calculation or recordation of assessed  
18 valuations that the assessed valuation of such ambulance or fire  
19 protection district has been changed, and but for such change the  
20 ambulance or fire protection district would have adopted a  
21 different levy on the date of its original action, then the  
22 ambulance or fire protection district may adjust its levy to an  
23 amount to reflect such change in assessed valuation, including,  
24 if necessary, a change in the levy reduction required by this

1 section to the amount it would have levied had the correct  
2 assessed valuation been known to it on the date of its original  
3 action, provided:

4 (1) The ambulance or fire protection district first levies  
5 the maximum levy allowed without a vote of the people by article  
6 X, section 11(b) of the constitution; and

7 (2) The ambulance or fire protection district first adopts  
8 the tax rate ceiling otherwise authorized by other laws of this  
9 state; and

10 (3) The levy adjustment or reduction may include a one-time  
11 correction to recoup lost revenues the ambulance or fire  
12 protection district was entitled to receive during the prior  
13 year.

14 321.556. 1. The governing body of any ambulance or fire  
15 protection district, when presented with a petition signed by at  
16 least twenty percent of the registered voters in the ambulance or  
17 fire protection district that voted in the last gubernatorial  
18 election, calling for an election to repeal the tax pursuant to  
19 section 321.552, shall submit the question to the voters using  
20 the same procedure by which the imposition of the tax was voted.  
21 The ballot of submission shall be in substantially the following  
22 form:

23 "Shall ..... (insert name of ambulance or fire  
24 protection district) repeal the ..... (insert amount up to

1 one-half) of one percent sales tax now in effect in the  
2 ..... (insert name of ambulance or fire protection district)  
3 and reestablish the property tax levy in the district to the rate  
4 in existence prior to the enactment of the sales tax?

5 ☐ Yes

☐ No

6 If you are in favor of the question, place an "X" in the box  
7 opposite "Yes". If you are opposed to the question, place an "X"  
8 in the box opposite "No".

9 2. If a majority of the votes cast on the proposal by the  
10 qualified voters of the district voting thereon are in favor of  
11 repeal, that repeal shall become effective December thirty-first  
12 of the calendar year in which such repeal was approved.

13 334.735. 1. As used in sections 334.735 to 334.749, the  
14 following terms mean:

15 (1) "Applicant", any individual who seeks to become  
16 licensed as a physician assistant;

17 (2) "Certification" or "registration", a process by a  
18 certifying entity that grants recognition to applicants meeting  
19 predetermined qualifications specified by such certifying entity;

20 (3) "Certifying entity", the nongovernmental agency or  
21 association which certifies or registers individuals who have  
22 completed academic and training requirements;

23 (4) "Department", the department of economic development or

1 a designated agency thereof;

2 (5) "License", a document issued to an applicant by the  
3 department acknowledging that the applicant is entitled to  
4 practice as a physician assistant;

5 (6) "Physician assistant", a person who has graduated from  
6 a physician assistant program accredited by the American Medical  
7 Association's Committee on Allied Health Education and  
8 Accreditation or by its successor agency, who has passed the  
9 certifying examination administered by the National Commission on  
10 Certification of Physician Assistants and has active  
11 certification by the National Commission on Certification of  
12 Physician Assistants who provides health care services delegated  
13 by a licensed physician. A person who has been employed as a  
14 physician assistant for three years prior to August 28, 1989, who  
15 has passed the National Commission on Certification of Physician  
16 Assistants examination, and has active certification of the  
17 National Commission on Certification of Physician Assistants;

18 (7) "Recognition", the formal process of becoming a  
19 certifying entity as required by the provisions of sections  
20 334.735 to 334.749;

21 (8) "Supervision", [control exercised over a physician  
22 assistant working within the same office facility of the  
23 supervising physician except a physician assistant may make  
24 follow-up patient examinations in hospitals, nursing homes and

1      correctional facilities, each such examination being reviewed,  
2      approved and signed by the supervising physician] overseeing the  
3      activities of, and accepting responsibility for, the medical  
4      services rendered by a physician assistant. The supervising  
5      physician shall at all times be immediately available to the  
6      physician assistant for consultation, assistance or intervention  
7      either personally or via telecommunications. A supervising  
8      physician shall be personally present for practice supervision  
9      and collaboration a minimum of twenty percent of clinic hours in  
10     any clinic location utilizing physicians assistants. The  
11     physician assistant shall be limited to practice at locations  
12     where the supervising physician is no further than thirty miles  
13     by road using the most direct route available, or in any other  
14     fashion so distanced as to create an impediment to effective  
15     intervention and supervision of patient care or adequate review  
16     of services; except that, physician assistants practicing in  
17     federally designated health professional shortage areas (HPSA)  
18     shall be limited to practice at locations where the supervising  
19     physician is no further than fifty miles by road, using the most  
20     direct route available. The board shall promulgate rules  
21     pursuant to chapter 536, RSMo, for the [proximity of practice  
22     between the physician assistant and the supervising physician  
23     and] documentation of joint review of the physician assistant  
24     activity by the supervising physician and the physician



1       assistant.

2               2.   The scope of practice of a physician assistant shall  
3       consist only of the following services and procedures:

4               (1)   Taking patient histories;

5               (2)   Performing physical examinations of a patient;

6               (3)   Performing or assisting in the performance of routine  
7       office laboratory and patient screening procedures;

8               (4)   Performing routine therapeutic procedures;

9               (5)   Recording diagnostic impressions and evaluating  
10       situations calling for attention of a physician to institute  
11       treatment procedures;

12              (6)   Instructing and counseling patients regarding mental  
13       and physical health using procedures reviewed and approved by a  
14       licensed physician;

15              (7)   Assisting the supervising physician in institutional  
16       settings, including reviewing of treatment plans, ordering of  
17       tests and diagnostic laboratory and radiological services, and  
18       ordering of therapies, using procedures reviewed and approved by  
19       a licensed physician;

20              (8)   Assisting in surgery;

21              (9)   Performing such other tasks not prohibited by law under  
22       the supervision of a licensed physician as the [physician's]  
23       physician assistant has been trained and is proficient to  
24       perform;

1           (10) Physician assistants shall not perform abortions.

2           3. Physician assistants shall not prescribe nor dispense  
3 any drug, medicine, device or therapy independent of consultation  
4 with the supervising physician, nor prescribe lenses, prisms or  
5 contact lenses for the aid, relief or correction of vision or the  
6 measurement of visual power or visual efficiency of the human  
7 eye, nor administer or monitor general or regional block  
8 anesthesia during diagnostic tests, surgery or obstetric  
9 procedures. Prescribing and dispensing of drugs, medications,  
10 devices or therapies by a physician assistant shall be pursuant  
11 to a physician assistant supervision agreement which is specific  
12 to the clinical conditions treated by the supervising physician  
13 and the physician assistant shall be subject to the following:

14           (1) A physician assistant shall not prescribe controlled  
15 substances;

16           (2) The types of drugs, medications, devices or therapies  
17 prescribed or dispensed by a physician assistant shall be  
18 consistent with the scopes of practice of the physician assistant  
19 and the supervising physician;

20           (3) All prescriptions shall conform with state and federal  
21 laws and regulations and shall include the name, address and  
22 telephone number of the physician assistant and the supervising  
23 physician;

24           (4) A physician assistant or advanced practice nurse as

1 defined in section 335.016, RSMo, may request, receive and sign  
2 for noncontrolled professional samples and may distribute  
3 professional samples to patients;

4 (5) A physician assistant shall not prescribe any drugs,  
5 medicines, devices or therapies the supervising physician is not  
6 qualified or authorized to prescribe; and

7 (6) A physician assistant may only dispense starter doses  
8 of medication to cover a period of time for seventy-two hours or  
9 less.

10 4. A physician assistant shall clearly identify himself or  
11 herself as a physician assistant and shall not use or permit to  
12 be used in the physician assistant's behalf the terms "doctor",  
13 "Dr." or "doc" nor hold himself or herself out in any way to be a  
14 physician or surgeon. No physician assistant shall practice or  
15 attempt to practice without physician supervision or in any  
16 location where the supervising physician is not immediately  
17 available for consultation, assistance and intervention, except  
18 in an emergency situation, nor shall any physician assistant bill  
19 a patient independently or directly for any services or procedure  
20 by the physician assistant.

21 5. The physician assistant shall be a person who is a  
22 graduate of a physician assistant program accredited by the  
23 American Medical Association's Committee on Allied Health  
24 Education and Accreditation or its successor or is certified by a

1 national nongovernmental agency or association, who has passed  
2 the National Commission on Certification of Physician Assistants  
3 examination and has active certification by the National  
4 Commission on Certification of Physician Assistants or its  
5 successor. A person who has been employed as a physician  
6 assistant for three years prior to August 28, 1989, and has  
7 passed the National Commission on Certification of Physician  
8 Assistants examination shall be deemed to have met the academic  
9 requirements necessary for licensing. All applicants for  
10 physician assistant licensure who complete their physician  
11 assistant training program after January 1, 2005, must have a  
12 master's degree in a health or medical science related field.

13 6. For purposes of this section, the licensing of physician  
14 assistants shall take place within processes established by the  
15 state board of registration for the healing arts through rule and  
16 regulation. The board of healing arts is authorized to establish  
17 rules pursuant to chapter 536, RSMo, establishing licensing and  
18 renewal procedures, supervision, supervision agreements, fees,  
19 and addressing such other matters as are necessary to protect the  
20 public and discipline the profession. An application for  
21 licensing may be denied or the license of a physician assistant  
22 may be suspended or revoked by the board in the same manner and  
23 for violation of the standards as set forth by section 334.100,  
24 or such other standards of conduct set by the board by rule or

1 regulation. Persons licensed pursuant to the provisions of  
2 chapter 335, RSMo, shall not be required to be licensed as  
3 physician assistants.

4 7. "Physician assistant supervision agreement" means a  
5 written agreement, jointly agreed upon protocols or standing  
6 order between a supervising physician and a physician assistant,  
7 which provides for the delegation of health care services from a  
8 supervising physician to a physician assistant and the review of  
9 such services.

10 8. When a physician assistant supervision agreement is  
11 utilized to provide health care services for conditions other  
12 than acute self-limited or well-defined problems, the supervising  
13 physician or other physician designated in the supervision  
14 agreement, shall see the patient for evaluation and approve or  
15 formulate the plan of treatment for new or significantly changed  
16 conditions as soon as practical, but in no case more than two  
17 weeks after the patient has been seen by the physician assistant.

18 9. At all times the physician is responsible for the  
19 oversight of the activities of, and accepts responsibility for,  
20 health care services rendered by the physician assistant.

21 10. No physician may be designated to serve as supervising  
22 physician for more than three full-time equivalent licensed  
23 physician assistants. This information shall not apply to  
24 physician assistant agreements of hospital employees providing

1 in-patient care services in hospitals as defined in chapter 197,  
2 RSMo.

3 11. It is the responsibility of the supervising physician  
4 to determine and document the completion of at least-one month  
5 period of time during which the licensed physician assistant  
6 shall practice with a supervising physician continuously present  
7 before practicing in a setting where a supervising physician is  
8 not continuously present.

9 650.390. As used in sections 650.390 to 650.411, the  
10 following words and terms mean:

11 (1) "Board of commissioners", a board appointed by the  
12 chief executive officer of the governing body within a service  
13 area for the purpose of administering a county emergency  
14 communications system. No board of commissioners established  
15 pursuant to sections 650.390 to 650.411 shall have jurisdiction  
16 over local emergency or police dispatching agencies;

17 (2) "County", any charter county with a population of more  
18 than nine hundred thousand inhabitants;

19 (3) "Emergency communications system", a wireless radio  
20 communication network, including infrastructure hardware and  
21 software, providing communications links that permit  
22 participating governmental or public safety entities to  
23 communicate within the area served by such system which is  
24 coterminous with the geographic boundaries of the county in which

1 the emergency communications system is situated;

2 (4) "Governing body", the legislative body of any county  
3 with a charter form of government and a population of more than  
4 nine hundred thousand inhabitants.

5 650.393. 1. The governing body of a county may establish  
6 an emergency communications system commission within the  
7 geographical boundaries of such county. Each such commission  
8 shall be composed of seven commissioners appointed by the chief  
9 executive officer of the county in which the commission is  
10 established.

11 2. The commission shall include a chief of police of a  
12 municipality located within the county, the chief of the police  
13 or the sheriff of the county, a chief of a municipal fire  
14 department located within the county, a chief of a fire  
15 protection district located within the county, and three at-large  
16 commissioners, who shall be residents of the county, all subject  
17 to the confirmation of the governing body of the county. Where  
18 applicable, the member who is a municipal chief of police shall  
19 be chosen from those persons nominated by a local police chiefs  
20 association. The members who are chiefs of either a municipal  
21 fire department or a fire protection district shall be chosen  
22 from those persons nominated by a local fire chiefs association.  
23 One at-large commissioner shall be chosen from those persons  
24 nominated by a local municipal league or organization. At least

1 two of the at-large commissioners shall be persons who are not  
2 employed by a fire department or district, a police or sheriff's  
3 department, or any emergency medical system, or who are not  
4 elected or appointed officials of a political subdivision of the  
5 state or are not employed by the state of Missouri.

6 3. The terms of office of the commissioner who is a chief  
7 of police or sheriff of the county shall be coterminous with such  
8 person's term of office as chief of police or sheriff. At the  
9 first meeting of the commission, the other commissioners shall  
10 choose the length of their terms, with two commissioners serving  
11 for two years, three commissioners serving for three years and  
12 one commissioner serving for four years. All succeeding  
13 commissioners shall serve for five years. Terms shall end on  
14 December thirty-first of the respective year. No commissioner  
15 shall serve for more than two consecutive full terms. A  
16 commissioner who is not an at-large commissioner shall remain in  
17 office only so long as he or she retains office with the  
18 department or district that such commissioner served at the time  
19 such person was appointed to the board of commissioners.  
20 Vacancies on the board of commissioners shall be filled by  
21 persons appointed by the chief executive officer of the county in  
22 the same manner by which the commissioner whose office is vacant  
23 was first appointed.

24 650.396. A county in which an emergency communications



1 system commission has been established may, by a majority vote of  
2 the qualified voters voting thereon, levy and collect either a  
3 tax on the taxable real property in the district, not to exceed  
4 six cents per one hundred dollars of assessed valuation or a  
5 sales tax not to exceed one-tenth of one percent, to accomplish  
6 any of the following purposes:

7 (1) The provision of necessary funds to establish, operate  
8 and maintain an emergency communications system to serve the  
9 county in which the commission is located; and

10 (2) The provision of funds to supplement existing funds for  
11 the operation and maintenance of an existing emergency  
12 communications system in the county in which the commission is  
13 located.

14 650.399. 1. The board of commissioners may, by a majority  
15 vote of its members, request that the governing body of the  
16 county submit to the qualified voters of such county at a  
17 general, primary or special election either of the questions  
18 contained in subsection 2 of this section. The governing body  
19 may approve or deny such request. The governing body may also  
20 vote to submit such question without a request of the board of  
21 commissioners. The county election official shall give legal  
22 notice of the election pursuant to chapter 115, RSMo.

23 2. The questions shall be put in substantially the  
24 following form:

1       (1) "Shall (name of county) establish an emergency  
2       communications system fund to establish (and/or) maintain an  
3       emergency communications system, and for which the county shall  
4       levy a tax of (insert exact amount, not to exceed six cents) per  
5       each one hundred dollars assessed valuation therefor, to be paid  
6       into the fund for that purpose?"

7               ☐ YES

☐ NO; or

8       (2) "Shall (name of county) establish an emergency  
9       communications system fund to establish (and/or) maintain an  
10       emergency communications system, and for which the county shall  
11       levy a sales tax of (insert exact amount, not to exceed one-tenth  
12       of one percent), to be paid into the fund for that purpose?"

13               ☐ YES

☐ NO

14       3. The election shall be conducted and vote canvassed in  
15       the same manner as other county elections. If the majority of  
16       the qualified voters voting thereon vote in favor of such tax,  
17       then the county shall levy such tax in the specified amount,  
18       beginning in the tax year immediately following its approval.  
19       The tax so levied shall be collected along with other county  
20       taxes in the manner provided by law. If the majority of the  
21       qualified voters voting thereon vote against such tax, then such  
22       tax shall not be imposed unless such tax is resubmitted to the  
23       voters and a majority of the qualified voters voting thereon  
24       approve such tax.

1       650.402. All funds collected from any tax approved pursuant  
2 to section 650.399 shall be deposited in a special county fund,  
3 to be designated the "Emergency Communications System Fund". The  
4 fund shall be held and managed in the same manner as all other  
5 funds of such county. The fund shall be administered by the  
6 board of commissioners to accomplish the purposes set out in  
7 sections 650.396, 650.405 and 650.411, and shall be used for no  
8 other purpose.

9       650.405. The board of commissioners shall have the  
10 following powers and responsibilities:

11       (1) To supervise and administer, within the acquisition and  
12 purchasing procedures of the county, the building, acquisitions  
13 by purchase or otherwise, construction and operation of an  
14 emergency communications system for the county in which the  
15 commission is located;

16       (2) To administratively control and manage the emergency  
17 communications system;

18       (3) To negotiate and recommend to the governing body that  
19 the county contract with such companies or other business or  
20 governmental entities, which in the opinion of the board of  
21 commissioners are necessary to provide equipment, material and  
22 professional services to establish, construct and maintain an  
23 emergency communications system and conduct the business of the  
24 commission;

1       (4) To promulgate an annual report of the financial  
2       condition and operation of the commission and the emergency  
3       communications system;

4       (5) To recommend to the governing body that the county  
5       purchase or acquire by gift such real estate and equipment and  
6       materials necessary to accomplish the purposes of the commission  
7       and the emergency communications system; and

8       (6) To adopt such bylaws, rules and regulations as in the  
9       opinion of the board of commissioners shall best serve the  
10      purpose of the commission.

11      650.408. 1. The funds necessary for payment of any  
12      obligation of the county in connection with the establishment,  
13      operation and maintenance of the emergency communications system  
14      may be paid by the county out of the fund established pursuant to  
15      section 650.402, or from bonds issued pursuant to this section.

16      2. For the purpose of supporting the operation and other  
17      purposes of the commission and the emergency communications  
18      system, the county may issue bonds for and on behalf of the  
19      county, payable out of funds derived from the sales tax  
20      authorized in sections 650.396 and 650.399 or from taxation of  
21      all taxable real property in the county, up to an amount not  
22      exceeding six percent of the assessed valuation of such property,  
23      with such evaluation to be ascertained by the assessment  
24      immediately prior to the most recent assessment for state and

1 county purposes, or from revenue generated from any other tax or  
2 fee authorized and approved by the voters pursuant to section  
3 650.399. Such bonds shall be issued in denominations of one  
4 hundred dollars, or some multiple thereof, and the provisions of  
5 section 108.170, RSMo, to the contrary notwithstanding, such  
6 bonds may bear interest at a rate determined by the emergency  
7 communications system commissioners, payable semiannually, to  
8 become payable no later than twenty years after the date of the  
9 bonds.

10 3. Whenever the board of commissioners of any such  
11 emergency communications district proposes to issue bonds  
12 pursuant to subdivision (3) of subsection 2 of this section, they  
13 shall submit the question to the voters in the district pursuant  
14 to this section. The notice for any such election shall, in  
15 addition to the requirements of chapter 115, RSMo, state the  
16 amount of bonds to be issued.

17 4. The question shall be submitted in substantially the  
18 following form:

19 "Shall ..... County issue bonds in the amount of .....  
20 dollars, the purpose of which are to support the construction,  
21 repair and maintenance of the ..... Emergency Communications  
22 System?"

23 ☐ YES

☐ NO

24 5. The result of the election on the question shall be

1 entered upon the records of the county. If it shall appear that  
2 four-sevenths of the voters voting on the question shall have  
3 voted in favor of the issue of the bonds, the commissioners shall  
4 order and direct the execution of the bonds for and on behalf of  
5 such county and the commission. If the general law of the state  
6 is such that an amount other than a four-sevenths majority is  
7 required on ballot measures of such type, the amount set by the  
8 general law of the state shall control.

9 6. The county shall not sell such bonds for less than  
10 ninety-five percent of the par value thereof, and the proceeds  
11 shall be paid over to the county treasurer, and disbursed on  
12 warrants drawn by the president or vice president of the board of  
13 commissioners and attested by the secretary. The proceeds of the  
14 sale of such bonds shall be used for the purpose only of paying  
15 the cost of holding such election, and constructing, repairing  
16 and maintaining the emergency communications system and its  
17 appurtenances.

18 7. Such bonds shall be payable and collectible only out of  
19 moneys derived from tax revenues authorized by section 650.399,  
20 from the sale of such bonds or from interest that may accrue on  
21 funds so derived while on deposit with any county depository.  
22 The county treasurer shall hold in reserve, for payment of  
23 interest on such bonds, a sufficient amount of the money so  
24 derived that may come into his or her hands in excess of the

1 amount then necessary to pay all bonds and interest then past  
2 due, to pay all interest that will become payable before the next  
3 installment of such special tax becomes payable, and three  
4 percent of the principal amount of the bonds not then due. The  
5 county treasurer shall, whenever any of the bonds or interest  
6 thereon become due, apply such money as may be in his or her  
7 custody and applicable thereto, or that may thereafter come into  
8 his or her custody and be applicable thereto, to payment of such  
9 bonds and interest as may be due and unpaid.

10 8. All money derived from the tax authorized pursuant to  
11 section 650.399 shall be used in paying the bonds and the  
12 interest thereon, except that the money that may be collected  
13 pursuant to such tax in excess of the amount necessary to pay all  
14 bonds then past due and such bonds and interest as will become  
15 payable before another assessment of such tax becomes payable  
16 may, less an amount equal to three percent of the principal  
17 amount of the bonds not then due, be used for the purposes  
18 authorized in section 650.411.

19 9. The county treasurer shall, as such bonds are sold,  
20 deliver them to the purchaser upon being ordered to do so by the  
21 commissioners. The county treasurer shall cancel bonds as such  
22 bonds are paid, and shall deliver them to the clerk of the  
23 county.

24 650.411. All money derived from the sale of bonds pursuant

1 to section 650.408 except such portion as is required to be  
2 reserved pursuant to subsections 7 and 8 of section 650.408, all  
3 money collected on any tax authorized according to section  
4 650.399 and all interest that may accrue on moneys so derived  
5 while deposited with any county depository and not required to be  
6 used in paying such bonds or interest thereon, shall be used, and  
7 warrants drawn on the treasurer therefor, to pay:

8 (1) The cost and expenses incurred by the county  
9 maintaining any real or personal property used in the operation  
10 of the emergency communications system; and

11 (2) Such working, administrative and incidental expenses,  
12 not otherwise provided by law, as may be incurred in operating  
13 such emergency communications system.

14 Section 1. 1. As used in this section, the following terms  
15 mean:

16 (1) "Claim", a claim of a patient for:

17 (a) Damages from a tort-feasor; or

18 (b) Benefits from an insurance carrier;

19 (2) "Insurance carrier", any person, firm, corporation,  
20 association or aggregation of persons conducting an insurance  
21 business pursuant to chapter 375, 376, 377, 378, 379, 380, 381,  
22 or 383, RSMo;

23 (3) "Patient", any person to whom an ambulance service  
24 delivers treatment, care, or transportation for sickness or



1 injury caused by a tort-feasor from whom such person seeks  
2 damages or any insurance carrier which has insured such  
3 tort-feasor.

4 2. Ambulance services shall have the same rights granted to  
5 hospitals in sections 430.230 to 430.250, RSMo.

6 3. If the liens of such ambulance services or hospitals  
7 exceed fifty percent of the amount due the patient, every  
8 ambulance service or hospital giving notice of its lien, as  
9 aforesaid, shall share in up to fifty percent of the net proceeds  
10 due the patient, in the proportion that each claim bears to the  
11 total amount of all other liens of ambulance services. "Net  
12 proceeds", as used in this section, means the amount remaining  
13 after the payment of contractual attorney fees, if any, and other  
14 expenses of recovery.

15 4. In administering the lien of the ambulance service, the  
16 insurance carrier may pay the amount due secured by the lien of  
17 the ambulance service directly, if the claimant authorizes it and  
18 does not challenge the amount of the customary charges or that  
19 the treatment provided was for injuries caused by the  
20 tort-feasor.

21 5. Any ambulance service electing to receive benefits  
22 hereunder releases the claimant from further liability on the  
23 cost of the services and treatment provided to that point in  
24 time.

1           [190.044. 1. No taxpayer shall be  
2 required to pay property taxes for ground  
3 ambulance service to both an ambulance  
4 district and a fire protection district or  
5 two ambulance districts which operate a  
6 ground ambulance service, unless reaffirmed  
7 and authorized pursuant to this section. In  
8 the event that a taxpayer in a third class  
9 county is paying taxes to both entities to  
10 provide ground ambulance service, any  
11 taxpayer residing in the area subject to the  
12 double tax may file a petition with the  
13 county clerk in which the area, or greatest  
14 part thereof, is situated requesting that the  
15 double tax be eliminated and that the area  
16 only pay a tax to one entity.

17           2. Upon receipt of such petition, the  
18 county clerk shall determine the area taxed  
19 by two such entities and place the question  
20 before the voters of such area at the next  
21 state or municipal election. The petition  
22 shall request that the following question be  
23 submitted to the voters residing within the  
24 geographic limits of the area:

25           The ..... (description of  
26 area) is currently paying a tax to provide  
27 ambulance service to the .....  
28 (name of entity created first) and the  
29 ..... (name of entity created  
30 second).

31           As a result, choose only one of the  
32 following districts to provide ambulance  
33 service and taxation:

34           ..... (name of entity  
35 created first)  
36           ..... (name of entity  
37 created second).

38           3. The entity receiving the most votes  
39 shall be declared as the single taxing entity  
40 for the area in question. The taxpayers  
41 within the area shall thereafter only pay one  
42 tax to the single taxing entity following a  
43 three-year period, over which the tax rate  
44 levied and collected shall be decreased by  
45 one-third each year until such tax is no  
46 longer levied or collected by the entity not  
47 chosen to provide service.

48           4. All costs incurred by the county

1 clerk as a result of this section, including  
2 election costs, shall be paid by the entity  
3 not chosen to provide service.

4 5. The boundaries and service area of  
5 the entities providing ambulance service will  
6 reflect the change as determined by the  
7 election.]

8 Section B. Because immediate action is necessary to provide  
9 for adequate retirement allowances of certain emergency personnel  
10 and their surviving spouses, the enactment of sections 87.231 and  
11 87.238 of section A of this act is deemed necessary for the  
12 immediate preservation of the public health, welfare, peace, and  
13 safety, and is hereby declared to be an emergency act within the  
14 meaning of the constitution, and the enactment of sections 87.231  
15 and 87.238 of section A of this act shall be in full force and  
16 effect upon its passage and approval.